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**Title**

**WHAT IS THE NATURE OF NON-GOVERNMENTAL ORGANISATION  
(NGO) PARTICIPATION IN THE POLICY-MAKING PROCESS IN  
SWAZILAND?**

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A minor dissertation in candidacy for the Degree of Master of Public Policy

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2005

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**Declaration**

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

**Signed**

**Date**

Signed by candidate

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## ACKNOWLEDGEMENTS

The long and winding road of this dissertation has finally ended. To God Almighty who saw me through it all. 'Uminjalo'. A note of appreciation is extended to WK Kellogg Foundation sponsoring the research component of this dissertation and my overall Master's Degree. The role of Professor Anthony Butler as supervisor of this dissertation is hereby acknowledged. The success of the study is accredited to officials at the Ministry of Enterprise and Employment SME Unit. Most importantly it is attributed to the individuals and NGOs that participated in the research. To the officials from the Public Policy Coordinating Unit and the Attorney General's Office, my sincere gratitude. Thanks goes to Carol Hartley for the endless hours spent on trying to understand my work then editing it.

This dissertation is also dedicated to my late mother, brother and father who would have been of immense support had they been alive. However, I know that they would have been proud of this work. Family and friends who encouraged and supported me throughout my study are also hereby acknowledged.

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## LIST OF ACRONYMS

1.	ACAT	: African Cooperative Action Trust
2.	ACP	: African, Caribbean and Pacific countries
3.	AG	: Attorney General
4.	AGM	: Annual General Meeting
5.	ANC	: African National Congress
6.	AU	: African Union
7.	BDS	: Business Development Services
8.	BMEP	: Business Management Enterprise Programme
9.	BWAS	: Business Women's Association of Swaziland
10.	CANGO	: Coordinating Assembly of NGOs
11.	CBO	: Community Based Organisation
12.	CDC	: Constitutional Drafting Committee
13.	CEO	: Chief Executive Officer
14.	COSATU	: Congress of South African Trade Unions
15.	CRC	: Constitutional Review Commission
16.	CS	: Civil Society
17.	CSC	: Council of Churches
18.	CSO	: Civil Society Organisations
19.	DFID	: Department for International Development
20.	DPM	: Deputy Prime Minister
21.	ECA	: Economic Commission of Africa
22.	EDF	: European Development Fund
23.	EISA	: Electoral Institute of South Africa
24.	ESRA	: Economic and Social Reform Agenda
25.	EU	: European Union
26.	FAO	: Food and Agriculture Organisation of the United Nations
27.	FLAS	: Family Life Association of Swaziland
28.	GDP	: Gross Domestic Product
29.	IBA	: International Bar Association
30.	IDASA	: Institute for Democracy in South Africa
31.	INM	: Imbhokodvo National Movement
32.	LDS	: Lutheran Development Services
33.	LeaRN	: Leadership Regional Network for Southern Africa
34.	LULOTE	: Luhlelo Lolunotsisa Temabhizinisi
35.	MAP	: Millennium Action Plan
36.	MEE	: Ministry of Enterprise and Employment
37.	MP	: Member of Parliament
38.	MTEF	: Medium Term Expenditure Framework
39.	NAFCOC	: National African Chamber of Commerce
40.	NCA	: National Constitutional Assembly
41.	NDS	: National Development Strategy
42.	NEDLAC	: National Economic Development and Labour Council
43.	NEPAD	: New Partnership for African Development
44.	NGO	: Non-Governmental Organisation
45.	NNLC	: Ngwane National Liberatory Congress
46.	NSMEF	: National Small and Medium Enterprises Forum
47.	PPCU	: Public Policy Coordinating Unit



48.	PM	: Prime Minister
49.	PSMP	: Public Sector Management Programme
50.	SACI	: Southern African Capacity Initiative
51.	SACOB	: South African Chamber of Business
52.	SACP	: South African Communist Party
53.	SADC	: Southern African Development Community
54.	SASO	: Swaziland AIDS Support Organisation
55.	SECLOF	: Swaziland Ecumenical Church Loan Fund
56.	SEDCO	: Small Enterprises Development Company
57.	SFE	: Federation of Swaziland Employers
58.	SFL	: Swaziland Federation of Labour
59.	SFTU	: Swaziland Federation of Trade Unions
60.	SHAPE	: Schools HIV and AIDS Programme and Education
61.	SHDF	: Swaziland Human Development Forum
62.	SIPA	: Swaziland Investment Promotion Authority
63.	SME	: Small and Medium Enterprise
64.	SMME	: Small Medium Micro Enterprises
65.	SNALA	: Swaziland National Association of Libraries
66.	SNAT	: Swaziland National Association of Teachers
67.	SNC	: Swaziland National Council
68.	SNCSC	: Swaziland National Council Standing Committee
69.	SNL	: Swazi National Land
70.	SPEED	: Smart Programme on Economic Empowerment and Development
71.	SRA	: Swaziland Reading Association
72.	SWAGAA	: Swaziland Action Group against Abuse
73.	TASC	: Information Centre on AIDS Support and Counselling
74.	TDL	: Title Deed Land
75.	TPU	: Trade and Promotion Unit
76.	TTN	: Tibiyo TakaNgwane
77.	UN	: United Nations
78.	UNDP	: United Nations Development Programme
79.	UNFPA	: United Nations Population Fund
80.	UNICEF	: United Nations Children Fund
81.	UNIDO	: United Nations Industrial Development Organisation
82.	UNISWA	: University of Swaziland
83.	WRC	: Women's Resource Centre: Umtapo waboMake
84.	WLSA	: Women and the Law in Southern Africa
85.	WLRSA	: Women's Legal Rights in Southern Africa
86.	WUS	: World University Services

## GLOSSARY OF TERMS

1. <i>Bandlancane</i>	<i>inner council who act as advisors to the chief</i>
2. <i>Bucopho</i>	<i>governing body of the traditional constituencies</i>
3. <i>Bantfwa'benkhosi</i>	<i>members of the extended royal family in chiefdoms</i>
4. <i>Emabandla</i>	<i>councils, usually advisory in nature</i>
5. <i>Emabutfo</i>	<i>male regiments</i>
6. <i>Esibayeni</i>	<i>cattle byre a traditional setting where meetings to address issues of national concern are held</i>
7. <i>Fundza</i>	<i>read or learn, depending on the context used</i>
8. <i>Imisumpe</i>	<i>community elders advising the chief</i>
9. <i>Indlovukazi</i>	<i>she elephant</i>
10. <i>Indvuna</i>	<i>headman</i>
11. <i>Indvuna yaseLudzidzini</i>	<i>the equivalent of a traditional prime minister</i>
12. <i>Indvuna yeNkhundla</i>	<i>elected headman at the traditional constituency</i>
13. <i>Inkhundla</i>	<i>traditional constituency</i>
14. <i>Kukhonta</i>	<i>a vassalage system of acquiring land</i>
15. <i>Imbokodvo</i>	<i>grinding stone</i>
	<i>Swazi Nation Land</i>
16. <i>Kwembula ingubo enkhosini</i>	<i>a system of direct appeal to the king</i>
17. <i>Libandla</i>	<i>a group forming council</i>
18. <i>Liqoqo</i>	<i>an advisory council to the king</i>
19. <i>Lobola</i>	<i>bride price with a wide range of social and cultural implications</i>
20. <i>Lutsango LwakaNgwane</i>	<i>a women's regiment meaning a women's fortress</i>
21. <i>Nbabazabantu</i>	<i>para-judicial figure</i>

22. Ngwenyama	<i>SiSwati term for king, associated with symbol of the lion</i>
23. Sikhulu	<i>chief</i>
24. Tinkhundla	<i>traditional constituencies</i>
25. Umchmanisi	<i>the connector</i>
26. Umgijimi	<i>chief's runner</i>
27. Umphatsi Lukhetfo	<i>Chief Electoral Officer</i>
28. Zondle	<i>a feeding scheme</i>

## **ABSTRACT**

Non-Governmental Organisations (NGOs) in Swaziland have a long history. They have evolved over the years and encountered serious problems, common to NGOs worldwide, whereas others are specific to Swaziland. One of the particular challenges faced by NGOs in Swaziland is encouraging wider participation in the policy-making process.

Swaziland is a highly traditional and conservative society. The object of the study has been to investigate the relationships between participation, constitutionalism and policy formulation in this no-party state. The research uses a literature review and case study to examine the participation of NGOs in the Small and Medium Enterprises (SME) Policy 2004 in order to illuminate the nature of NGO participation in policy formulation.

## **CHAPTER 1: INTRODUCTION**

### **1.1 Introduction**

This chapter explains the rationale, objectives and scope of the study and clarifies the key concepts upon which the research is based. Special attention is given to the importance of democracy, constitutionalism and the emergence of one-party states. This is accomplished through a literature survey, which examines the implications of governance and participation of Non Governmental Organisations (NGOs) in a no-party state such as Swaziland operating without a constitution.

This chapter also examines the nature and origins of civil society with a special emphasis on NGOs. A discussion of NGOs and the law is presented with special attention to laws regulating them. Then it goes on to explore the role of NGOs in policy making and the challenges they face, including the agenda setting process. Finally, this chapter investigates the concept of participation of NGOs in policymaking. Views presented by torchbearers such as the UNDP are presented here and the challenges to participation elucidated. This is all in an effort to answer the question as to what the character and extent of NGO participation in policy-making processes is in Swaziland.

### **1.2 Problem Statement**

Swaziland has no constitution. Instead, it operates by means of pieces of proclamations and orders that fall short of the ideals of a constitutional government. A constitution is an important tool for promoting democracy and good governance. It enshrines democratic principles such as fair representation, freedom of association and assembly, and freedom to participate in political life. In the absence of these fundamental principles, state affairs are left open to abuse by public authorities.

In his study of the relationship between agenda setting and public policy, Ihonvbere (2004: 6) notes that if the public policy processes in African states

have characteristics of constitutionalism, it will result in more people engaging in political interactions, such as electoral politics and the issues that make it to the policy table.

The absence of a constitution, in contrast, curtails the culture of public participation. This may lead to limited participation in the policy-making process, as might be the case in Swaziland. This has been emphasised by Kalu (2004: 245), who states that a constitution and processes of constitution-making are crucial to providing a sense of ownership among the citizens of a country and a sense of the legitimacy of the political process, thereby mobilising citizens to articulate individual ideas and buy into national dreams. They also lead to the spelling out of political rights, and to provision of a road map for future generations.

### **1.2.1 Objectives of the Study**

The objective of this research is to characterise the political context of the Swaziland policy process, and to conduct a case study in respect of the nature of Swazi citizens' participation through civil society institutions, particularly NGOs, in the policy-making processes of their country. The research will thus focus on the participation and contribution of NGOs to policies that affect the daily lives of the Swazi people.

Furthermore, it will examine how the participation of NGOs in policy formulation could be improved. It will identify the links between democracy, constitutionalism and participation.

### **1.2.2 Justification of the Study**

Thomas Dye (quoted in Kalu, 2004: 2) states that public policy is both an art and a craft: "It is an art because it requires insight, creativity and imagination in identifying social problems and describing them, in devising public policies that might alleviate them and then finding out whether these policies make things better or worse." In support of Dye's statement, Kalu says that policies

have to be relevant to domestic realities, so as to have the desired effects in changing the lives of the people for the better (2004: 3). NGOs can therefore play an important role in the policy-making process, as they are able to identify important socio-economic issues for civil society and to turn them into policy issues that ultimately form part of the government's agenda.

NGOs can promote and encourage democracy because they believe that it will make their participation easier with less unwarranted surveillance. By virtue of the nature of their work, they promote a bottom-up approach to democratisation. In this regard, Kalu (2004) suggests that NGOs not only strengthen civil society but also, more importantly, construct an environment that protects society from a return to repressive forms of government.

Like other NGOs worldwide, NGOs in Swaziland can serve as the voice of conscience of government (by promoting principles of transparency and accountability), and as an extension of government by implementing policy through programmes and projects. Thus, NGOs can play an important and positive role in policy formulation. Given the importance of their role, this study focuses on their involvement in the policy-making process in Swaziland.

### **1.2.3 Scope of the Study**

The study concentrates on the participation by Swaziland's NGOs in the area of policy formulation. Given that the country is a "no party democracy", where participation in general is limited, it is important to examine specifically the level of participation in policy formulation. The study thus systematically reviews the (limited) academic literature on government and the policy process in Swaziland. In addition, it includes a case study of the *Draft Policy on Small and Medium Enterprises (SME) 2004*, which allows further conclusions to be drawn about the character of NGOs participating in the policy process.

### 1.3 Contextualising the Literature Review

This chapter examines important concepts related to the research, viz. democracy and constitutionalism. The relationship they have with the concept of participation is examined. This leads to a study of the emergence of dominant party systems in Southern Africa, which may impact on the type of policies formulated by those countries. These concepts are explained through a literature review. Since the study focuses on participation in policy making, it explores the concept of participation in relation to agenda setting, as it is essential to understand who sets the government's agenda for policy-making purposes. Most importantly, the chapter highlights the common thread of participation that is central to all these concepts.

#### 1.3.1 Democracy

There can be no one satisfactory definition of democracy. In contemporary debates on democracy, it is commonly associated with a political system in which multi-partyism exists, periodic free and fair elections based on universal suffrage are conducted, and press freedom, human rights and the rule of law are guaranteed (Sachikonye, 1995: 1).

Furthermore, government and politicians are required to uphold and abide by the constitution; checks and balances in the exercise of power exist; and the independence of the judiciary and the key role of parliament in the legislative process are upheld (Sachikonye, 1995:1). In this discourse the minimal definition of democracy requires political pluralism guaranteed in constitutional arrangements. These attributes of political pluralism have historically been associated with Western liberal democracy.

Democracy has also been described as government *pro tempore*. Established rules are applied to terminate conflicts, although they are actually only suspended, rather than resolved definitely.

Przeworski (1991: 10) explains this as follows:

Elections fill offices, legislatures establish rules, bureaucracies issue decisions, courts adjudicate conflicts and the outcomes are binding



until and unless they are altered according to the rules. At the same time, all such outcomes are temporary, since losers do not forfeit the right to compete in elections, negotiate again, influence legislation, pressure the bureaucracy, or seek recourse to courts.

These processes in liberal democracy are what guarantee its stability and legitimacy.

Since the collapse of authoritarian socialism in Eastern Europe and of many one-party states and military regimes in Asia, Africa and Latin America, Western liberal democracy has become a major reference point for debates on democratic transitions in these societies.

Fukuyama, for instance, argues that there is no alternative to liberal democracy, and asserts that capitalist democracy represents “the end point of mankind’s ideological evolution and the final form of human government” (Fukuyama, 1992). Miliband (1992 as quoted in Sachikonye 1995), however, contests this opinion, highlighting the fact that liberal democracies are plagued by major social inequalities, evident in unemployment, pollution and crime. He further states that, despite constitutional provisions in liberal democratic regimes, “democratic procedures can be manipulated by elites, and by the communication media which they control and do serve to pour out a torrent of obfuscations, half-truths and lies” (Miliband, 1992: 109).

In Sachikonye 1995, Gills and Rocamora (1992) point out that

... democracy requires more than the maintenance of civil liberties. Without substantial reforms and redistribution of economic assets, representative institutions – no matter how ‘democratic’ in form – will simply mirror undemocratic power relations in society. Democracy requires a change in the balance of forces in society. The case for extending the definition of democracy beyond its constitutionalist forms so as to include matters of social and economic content is persuasive.

Both dimensions of democracy (i.e. form and content) and the constitutions should not be separated, as they constitute the substance of democracy (Sachikonye, 1995: 4).

Because of the complexities expounded above by Gills and Rocamora it is difficult to apply the Western conception of democracy directly to Africa. In its simplest form of participation through independently chosen representation, however, the implementation of democracy is important and possible.

Goulborne (1991) states that the founding fathers of post independence Africa (including Sobhuza II of Swaziland) failed to promote a democratic political tradition when they had the opportunity to do so, especially considering the spirit and vibrancy that existed after independence. Leaders at the time were perceived as charismatic, having triumphed over colonialism, and therefore citizens were enthusiastic to contribute to the creation of what would be truly theirs. Instead, as pointed out by Southall (2003), the tendency was to suppress rather than institute democracy.

The specific experiences of the people in the different African countries, including Swaziland, who struggled for independence, whether peacefully or otherwise, point to the fact that a high degree of popular democratic participation occurred during this period of struggle against their rulers and oppressors. This experience could have enabled African states to emerge with new democratic dispensations. At the time, their populations were largely united against the common colonial enemy, which created an illusion of oneness by overlooking historic differences, such as social divisions and gender. After independence, all these differences re-emerged, resulting in fragmented groups that were not equally represented in the new political system.

The 1980s saw the International Monetary Fund (IMF) and the World Bank (WB) motivating developments for democratisation in Africa in a bid to restructure their economies by implementing so-called structural adjustment programmes (SAPS). The introduction of these democratisation processes

was viewed as somehow distorted. The criticism levelled against the definition of liberal democracy in terms of regular and fair elections and multi-partyism, is that it makes no sense for the mass of African population living in poverty. Scholars such as Ihonvbere (2000: 187) observed and criticised these obvious and severe limitations of liberal democracy “in crisis ridden, dislocated, marginalised and impoverished economies”.

The solutions, frequently recommended, are that African societies need to become more democratic, that pro-democracy movements must base themselves in civil society, and that trade unions and human rights groups etc. must force through a more thorough development of the state. This includes restricting the powers of the military, transforming the bureaucracy of government, revitalising the judiciary, implementing constitutional development, guaranteeing basic rights and liberties, and protecting minority rights (Ihonvbere, 2000:188).

In Africa, market forces have undermined the capacity of states to manage economies in accordance with social, ethical and political priorities and have accentuated social tensions by destroying indigenous and domestic employment. Effectively, globalisation and structural adjustment undermine rather than develop a basis for democratic peace and state building (Southall, 2003: 9)

Southall (2003: 19) argues that donors (IMF and WB) recognise these problems, and have consequently introduced the concept of good governance. This is a way of the state to be seen to be promoting state-like structures, while at the same time maintaining a minimum degree of order and legitimacy and in effect to balance the contradictory pressures of political expectations and economic reform of managing dual transition.

Southall (2003 quotes Woodward, 1994: 130) saying liberal democracy constitutes the only presently attractive option, “since for all its limitations it provides some new opportunities for participation and accountability, albeit more in hope than in expectation”

Democracy in Southern Africa has been re-emphasised in the New Partnership for African Development (NEPAD). Southall argues that the developing crisis of democracy in Southern Africa is “characterised by an increasingly explicit clash between an authoritarian culture of national liberation and participatory democracy; and a closely related model of state power which, even when disguised in democratic garb, strengthens elites and promotes highly unequal patterns of accumulation and anti-development”. That the sense of hope that characterised the democratic wave, which hit the region’s shores in the 1990s now seems to be moving into reverse, which is rather troubling because developing and maintaining healthy democracies in Southern Africa is vital for stability and the economy (Southall, 2003).

### **1.3.2 Democracy and Constitutionalism**

The colonialists left Africans without a thorough grasp of the need for transparency and accountability on the part of the authorities administering state resources for the smooth operation of democracy. Using both force and favouritism, African leaders and politicians distributed these resources as rewards and favours to their support groups without consideration of laws and regulations concerning public interest (Southall, 2003: 9). A clear example in Swaziland is that of Sobhuza II and the investment company he established (Tibiyo TakaNgwane (TTN)) in Swaziland in 1968 for the benefit of the royal clique, which has no clear system of accountability towards the citizens.

After independence, there was a renewed interest throughout Africa in elections and constitutionalism. African leaders insisted that, for constitutionalism to take root in Africa, it must recognise not only socio-economic rights but also collective rights, notably those of internally oppressed people (Shivji, 1991: 256). This provides a linkage to the important debate, in the South African context, of the potential of ‘consociationalism’, a term coined to refer to a constitution that protects and promote socio-

economic and collective rights according to (Connors, 1996; Lijphart, 1998) in Southall (2003).

Previously, no nexus had been drawn between a country's constitution and its methods of policymaking. However, the renewed interest in democratic and participatory constitution making is directly linked to a new doctrine of political legitimacy that is emerging in Africa's civil society. This new doctrine is built around continental and international interests in and commitments to the challenge of helping plural communities articulate collective national visions for designing and promoting democracy and democratic values. In a sense, participatory constitution making is being used to encourage ownership and legitimacy around the constitution as a strategy for building democratic values and strengthening national projects, thus resulting in a new foundation for governance and rational policymaking emerging in Africa.

For Africa, the participatory approach to constitution making must be adopted as a strategy to reconstruct the state and public institutions, to build new values and to establish the new networks and relationships that promote democracy, social justice and the rule of law.

### **1.3.3 The Emergence of One-Party Systems**

A dominant party is a party, which, due to its popular support and/or its control of state machinery, is able to remain in power by winning successive elections (Southall, 2003). Commonly associated with party dominance are "the fusion of the party and the state, denunciation of minorities (who mobilise on issues vital to them) and delegitimisation of the opposition. The growth among power holders of a "culture of entitlement" to state resources, and even to resources not owned by the state, is a further inevitable (and troubling) result." (Southall, 2003).

Southall (2003) sees the collusion of African regimes in their support for Mugabe's abuse of power in Zimbabwe as an example of African governments' failure to relinquish their power, despite having minimal support

of the governing class strategies for accumulation of capital. He points out that it is not the winning of office that counts, but rather the ability of political elites and their followers to accept the will of the majority and to lose with integrity.

Some have concluded that democracy in Southern Africa centres on electoralism, that it is hollow, and that it does not make much difference to ordinary people's lives. This, together with a form of capitalism that is largely unregulated, is actually promoting greater, not lesser, inequalities.

Good (2002:15 in Southall 2003) has illustrated the functioning of dominant parties in Southern Africa as follows:

Issue	Effect / Result
Parliamentary checks upon executives, as written in the constitutions	Have been effectively nullified by the predominance of ruling parties, which operate in a hierarchical disciplined fashion
Parliamentary representative systems in South Africa and Namibia as implemented via closed party list systems	Extinguish the accountability of representatives to their electors between elections
Centralisation of power, including concentration of power and preferment in the hands of the presidency	Encourages autocracy (exhibited by various presidents' sense of their own indispensability) (Good, 2002: 15)
The weakness of opposition parties	Their incapacity to provide viable alternative governments represents a "near contradiction even in liberal terms" (Good, 2002:15)
Lack of effective accountability	Allows state profligacy and elite corruption and enrichment to proceed virtually unchecked (unless revealed and contained by intra-elite convulsions, jealousies and rivalries)
Demands for accountability from outside the elite	Deflected

Those raising questions	Abused or ignored
Media	Regularly brought under control or intimidated
Independent institutions designed to impose restraints upon government	Undermined

Good (2002:15 in Southall 2003)

There is a consensus among political scientists studying democratisation and practitioners of international democracy assistance that political parties and competitive parties are central features in any democracy. The latter are also essential agents of sustainable democratisation, political institutions and organisation matters, whatever the state of economic and socio-economic conditions. In East Asia, for instance, Shin (1999) says that parties “play a pivotal role in consolidating democratic gains”. In Africa, similarly, democratic consolidation requires, above all, “the institutionalisation of parties and a party system.” (Burnell, 2000).

Multiparty systems are the product of several variables: the electoral rules, the degree of social heterogeneity, the political culture, and the formal and informal institutional environment. Further, the institutionalisation of a competitive party system requires the people to develop trust in the parties as institutions, which is not easy but must be earned. This indeed is a major challenge for most African countries, including Swaziland, as most of these characteristics are normally absent or, even if they are present, they are usually not genuine but more of a formality.

Africa has seen an emerging trend towards one-party rule as an instrument for control. African leaders have imposed one-party rule in Africa, not because “the ruled” wanted it, but because the leaders wanted to remain in power permanently (Mushingeh, 1994: 120; Makinda, 1996: 560). It thus seems that the first generation of African leaders, Sobhuza II included, feared liberal democracy. They thus acted swiftly to remove political choice, contestation and participation, and they went even further to erode the importance of Parliament and the judiciary (Mushingeh, 1994: 120; Makinda, 1996: 560).

One strategy for remaining in power was to silence opponents through various instruments, including detention without trial. King Sobhuza II introduced this system in Swaziland through the *1973 Decree*. To date, Swaziland is still under a state of emergency, as the Decree remains in force. Similarly, Kwame Nkrumah of Ghana introduced detention without trial and a state of emergency after he rebelled against the Western models of liberal democracy according to Adhimbo (1987:190 as cited by Kanduza and Mkhonza (2003).

Citing Kanduza and Mkhonza (2003), Adhimbo, (1987) observes that in Zambia, too, the state of emergency remained in force for twenty-seven years as an instrument of control used to intimidate and terrify the population into silence, thus reducing politics to leader praising and worshiping. This, too, happened in Swaziland with the submissions made to the Constitution Review Commission, whose recommendations were that the powers of the King should be enhanced, political parties disallowed and trade union elements discarded.

Democratisation should emphasise empowerment of the people through the development of social movements, appropriate Civil Society Organisations (CSOs) and direct action. Civic associations are sometimes the first to raise issues that eventually make it to the ruling party's agendas, but they are not an alternative to such parties. White, for instance, has argued that:

the specific character of political society is a crucial element in any discussion of the relationship between civil society and the impetus towards democratisation and the broader triadic relationship between democracy, civil society and the developmental capacity of the state.

Potential relationships between civic organisations and parties need constructive engagement from all sides and a sense of accountability towards each other. Government politicians, however, resent the political assertiveness of leaders of civic associations, who are perceived as strangers to the electoral process, and query their legitimacy, accusing them of using the civic groups for their own purposes.



## 1.4 Civil Society and Non-Governmental Organisations

The idea of civil society is an old one, and there have been numerous attempts to define and describe it. As Seligman (1992: 3) explains:

It touches on the major themes ... as referring to a realm of social mutuality ... to characterise the aspect of social existence, which existed beyond the realms of the state. It points, in its different articulations, to those elements of both community and individualism...

Civil society emerged because of a crisis in social order and a breakdown of existing paradigms of order (1992: 15).

In the article on Civil society, the state and conflicts in Africa, Solomon and Matthew (2001) state that according to Camerer (1996: 11), civil society is:

[an] inherently pluralistic realm distinct from, yet interacting with the state and processes of production, consisting of numerous associations and organised around specific interests with the following in common: communally organised, independent, voluntary, autonomous groups with the ability to form links with other interest groups and not in any way seek to set themselves up as an alternative to the state.

In the same article, quoting Zuern (2000: 97), they assert that the concept of civil society incorporates “activities in the public sphere between the household and the state. This social space encompasses a very broad range of human associations with very different interests and objectives.”

Festus Okoye<sup>1</sup>, quoting Schimer’s *Civil Society East West* defined civil society as a network of self-organised groups that:

- “Are relatively independent of both public authorities and private units of production, viz. of both firms and families;
- Are capable of deliberating about and taking collective actions in defence or promotion of their interests or passions;

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<sup>1</sup> In Civil Society Guide to Law Making Processes in SADC Countries, 2002

- Do not seek to replace either the state agents or private producers or to accept responsibility for governing the polity as a whole' and
- Agree to act within pre-established rules of a 'civil' nature that is conveying mutual respect." (1997: 240)

NGOs are part of civil society as their nature is based on characteristics of the latter. According to Weiss (1996: 437) NGOs are:

"formal institutions that are intended to continue in existence; they are not *ad hoc* entities. They are self-governing through their own constitutional arrangements. They are private in that they are separate from governments.... NGOs operate beyond and beneath the states in which they are incorporated." Michael (2004: 3) echoes this:

[they] are independent development actors existing apart from governments and corporations, operating on a non-profit basis with an emphasis on voluntarism and pursuing a mandate of providing work or advocating on development issues.<sup>2</sup>

By virtue of the above definition, NGOs are organs of civil society. The work of NGOs usually involves 'care and welfare', activities based on philanthropic works. These were organisations formed and supported by the middle and wealthy classes to provide relief and welfare to the poor and less privileged (Michael, 2004).

The term NGO therefore refers to a broad range of institutions that are engaged in direct service-activities aimed at benefiting persons beyond the organisations' own members. A private, usually unpaid, board of directors or trustees formally controls them. In the *National Policy on Non-Governmental Organisations (NGOs) of the United Republic of Tanzania 2001*, NGOs are defined as "potent forces for social and economic development; important partners in nation building and national development; valuable forces in

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<sup>2</sup> See also Van Rooy (1998).

promoting the qualitative and quantitative development of democracy” (2001: 3)

In summary, an NGO is a voluntary grouping of individuals or organisations, which is autonomous and not for profit sharing, organised locally at grassroots level, for the purpose of enhancing legitimate economic, social and/or cultural development, or lobbying or advocating on issues of public interest or interest of a group or individuals or organisations at national or international level.<sup>3</sup>

#### **1.4.1 Perceptions on NGOs**

Most governments acknowledge the presence and contribution of NGOs to development and the welfare of citizens. They appreciate their helpful nature and normally do not treat them as opposition. A reciprocal relationship thus exists between the state and NGOs. It acknowledges that the NGO sector’s weakness complements government’s strength and *vice versa*. If well developed and adequately supported, NGOs can be harnessed to compensate for the limitations that exist in the government system (Ball and Dunn, 1995).

NGOs are often recognised by governments as potent forces for social and economic development, important partners in nation building and national development, and important contributors to the Gross Domestic Product (GDP). Peter Druker has pointed out that in the United States “the non-profit organisations have the potential to become of.... equal importance to the public sector of government and the private sector of business....” (Ball and Dunn, 1995).

They are perceived as effective providers of services in circumstances where there is a premium on flexibility, decentralised decision-making and the need for the involvement of beneficiaries in a programme, such as, for instance,

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<sup>3</sup> See also Michael (2004).

rural development, health, education, family planning services and dealing with marginalised groups (Ball and Dunn, 1995)

#### **1.4.2 NGO accountability and representation**

Both in the Northern and the Southern hemispheres NGOs have been challenged to address issues concerning their accountability and representation. Whereas NGOs are controlled by and accountable to a Board of Management or trustees there are differences in the degree of representation of the members. The Women's Resource Centre (WRC) in Swaziland, for example operates countrywide. It makes provision for the representation of its membership by electing four regional members to this Board of Management.

Although board members are elected, founding members pose a challenge because of their special attachment to founding ideas, approaches and strategies. This makes it difficult to change the direction or strategy of the organisation should it become necessary.

NGOs are accountable to the wider public through processes of registration and regulation. They are also accountable to their funders through agreed-upon reporting procedures. Narrative and financial reports are distributed to the membership, local donors, the business community, organisations and appropriate government bodies. In light of this, NGOs working with marginalised and disadvantaged people see themselves as representing the interests of such people.

Some NGOs worldwide have made special efforts to improve their governance and operations. They have stated their mission, values and objectives clearly and ensured that their strategies and operations are adequate. Improved management processes have been put in place, as have financial management, accounting and budgeting systems. Better human resource development and training within the organisation of managers, administrators, project staff, board members, beneficiaries, members and

volunteers have also been effected. There have also been better means by which the organisation and its projects, services and activities are monitored, evaluated and reviewed (Michael, 2004).

### **1.4.3 NGOs and the law**

In many countries, the law tends to lag behind the reality of NGO activities and structures (Ball and Dunn, 1995: 39). Many governments still view NGOs as care and welfare organisations, reflecting the context in which the charitable law of the 19<sup>th</sup> century was originally framed. Whereas in some countries the laws are ambivalent and restrictive towards NGOs, in others, there are either no requirements or they are undemanding, making it easy for unscrupulous or ambitious individuals to establish fraudulent NGOs (Ball and Dunn, 1995: 39).

NGOs face problems of regulation where initial registration and the fulfilment of regulatory requirements are complex and time consuming, especially when they have to comply with requirements of several different agencies. In Swaziland, for example, environmental organisations should be connected to the Ministry of Natural Resources, but are registered and regulated by the Ministry of Justice and Constitutional Affairs.

NGOs ought to be regulated by law to protect the public interest. The extent of such external regulation should, however, be influenced by the level and extent of collective and self-regulatory arrangements put in place by the efforts of NGOs themselves (Ball and Dunn, 1995). It is recommended that funders and governments encourage and support such efforts, as some already do.

An interesting point to note with regard to the relationship between NGOs and governments is that NGOs often pioneer and promote innovative programmes and policies that are subsequently taken over by governments (Ball and Dunn, 1995: 45) who in the process sometimes remove the innovative aspect and incorporate them into existing public institutions, which results in failure. This will be discussed later in the study.

Governments also believe that it is unreasonable and may be undesirable for public policy to be shaped by what they see as the whims and experiments of NGOs (Ball and Dunn, 1995). While NGOs maintain that there are too few lines of communication for them to share the results of their research and innovation with government or to make representations about policy changes, governments regard NGOs as secretive and reluctant to share information. They also think that NGOs are too ready to publicise matters before communicating and debating them with government (Ball and Dunn, 1995).

#### **1.4.4 NGOs and Policy Making**

Several definitions of a policy have been advanced over and above the basic one that a policy is a 'statement of intent'. Cloete and Wissink (2000) quote definitions of policy from the following authors as such. Derbyshire (1979: 151) states that it is a "proposal to do something". Starling (1979: 4) adds that it is "a projected programme of goals, values and practices". Friedrich (1963: 70) asserts that it is a "proposed course of action of a person, group or government within a given environment providing obstacles and opportunities, which the policy was proposed to utilise and overcome". Closely linked to this description is one by Anderson (1979: 3) who says that a policy is a "purposive course of action followed by an actor or set of actors in dealing with the problem or matter of concern."

Again in Cloete and Wissink (2000), Jones (1977: 4) asserts that public policy is a process with four distinct phases and renders a more comprehensive definition: i) specified means to achieve goals ii) authorised means to achieve goals iii) specific actions taken to implement programmes iv) measurable outcomes of programmes. This comprehensive description is consistent with that advanced by Ranney (1986: 7) in Cloete and Wissink (2000), in that it is "a declaration and implementation of intent." This is further developed by Thomas Dye's (1978) view that public policy is an art as well as a craft. "It why it is an art because it requires insight, creativity and imagination in identifying societal problems and describing them, in devising

public policies that might alleviate them and then in finding out whether these policies end up making things better or worse.”

In addition to public policy being an art, Dye (1978) explains a craft:

[the] craftiness is in the management of ideas, which are often embedded in technical knowledge of decision makers and their associates to translate the abstract ideas in governance, social structure and statistical data into practical and pragmatic policies for society. Thus for the policies to be relevant to domestic realities, and for such technical knowledge to have its desired effect in changing the lives of the people for the better, analysts and decision makers must be cognisant of the fact that changes are derived from preconceived ideas about how to correct perceived problems or enhance existing good in society.

A point to note from all these definitions is that policy formulation is a continuous process.

In assessing policy-making issues in Southern Africa, Gaidzanwa et al (2001) point out that the colonialists left the new African governments with minimal capacities of developing policy analysis in terms of formulation and implementation, especially as they themselves did not promote processes of public participation. Not surprisingly perhaps, the legacy of authoritarianism in the new states was perpetuated in the same way, and political administrative structures themselves decreased levels of participation.

In Gaidzanwa et al (2001), Mamdani (1995), Hyden (1980) and McGaffey (1981) agree that weaknesses in African post-colonial state structures have led to corruption at various levels of government. Their way of setting out development priorities is out of step with the local and national needs of their people. This results in the widening of pre-existing power and wealth gaps between the poor and the rich at local, regional and national levels.

Donor agencies have sponsored participation in the policy-making process according to their budgets, although with little commitment to investing in civic education for the ordinary citizens. They have preferred to negotiate with the

ruling elite themselves, as opposed to going through a formal policy-making process that involves citizens. Most ordinary citizens who effectively participate in national policymaking are therefore those who have managed to mobilise materials and ideological and political resources at national and international levels.

Policy making in Southern Africa usually occurs under conditions of uncertainty, ambiguity and disagreement. Because policy issues are complicated, interrelated, ambiguous and conflicting, it is vital to secure broader participation of affected stakeholders. Consequently, a wide spectrum of information should be accessed “from a larger number of diverse resources” so that there is a sound basis for policies (Mason and Mitroff, 1981 as quoted by Gaidzanwa et al 2001).

Gaidzanwa et al 2001 notes that Social scientists such as Terje explore the financial implications of including civil society in policymaking, noting the cost implications for an already cash-strapped government. A recommendation by some social scientists is to promote public policy participation and the empowerment of civil society by means of political power, resources, skills, institutions and information that will yield social mobilisation of policy players to their benefit. It is also recommended that the role of NGOs be that of strengthening the state and complementing its role without necessarily developing counter power to the point of demobilising it. A system of checks and balances thus has to be in place.

More challenging, though, is the failure to undertake a proper diagnosis of the environmental context in which policy issues and solutions are based, combined with a thorough policy analysis.

Factors militating against effective policy-making and implementation and against the participation of civil society and communities is the inequitable and differentiated distribution of political power, and the complexity of the development process. The distribution of political power within the state is delineated by the Constitution. Formal legislative and administrative instruments are promulgated and pronounced for supporting what is



expressed in the Constitution. Negotiated political power distribution should provide opportunities for civil society and for the poor, disorganised, vulnerable, isolated groups to express opinions enabling the poor to identify themselves politically and to form networks and alliances that empower them to influence policy making creatively and effectively.

The rural poor in Southern Africa, however, do not take up the challenge for various reasons. Chambers (1983) has described them as being vulnerable, powerless, isolated, poor and physically weak, thus lacking the pre-requisites for sources of political power. In Swaziland, tradition is tightly linked to politics. Moreover, tradition is centred on respect. This kind of respect influences politics in that the rural poor have respect for the ruling political elites and thus limit themselves in political participation. They are oblivious to their stake, as well as to their role and responsibility, in participating in public policy formulation and implementation.

Rural folk can be politically unassertive, and believe that a national or community concern is the policy prerogative of the elite and the ruling class. Kalu (2004: 4), however, argues that this assumption that the masses are apathetic in the context of formal democracies may be misleading in African states, because the masses have been marginalised, silenced and consigned to subsistence living in Africa as a whole since the colonial period. Sub-Saharan Africa lacks the opportunity for informed and viable civic participation, irrespective of ongoing democratisation processes in many of these countries. The masses have been left feeling that the state and formal authority are ultimately irrelevant to their lives. Consequently, in many African states, the masses do not perceive themselves as part of formal government (Kalu, 2004).

Paradoxically, the characteristics and existence of civil society will depend on the character of the state. Democratic civil society seems to require a strong and responsive state. Foley and Edwards (1996: 48) point out that where the state is unresponsive, its institutions tend to be undemocratic, or its democracy is ill designed to recognise and respond to citizens' demands.

In order for civil society to participate effectively in policy-making processes, dedicated institutions must allow civil society to determine, debate, process and pronounce its policy demands and opinions. Without such institutions, civil society is not politically empowered to participate in policymaking. Effective participation also requires belief in the right to participation, as well as the requisite information and power over the behaviour and policy-making processes utilised by political and management elites in government.

#### **1.4.5 Challenges facing NGOs**

Challenges facing NGOs include division, non-cooperation and unhealthy competition, in addition to the non-existence of agreements and memoranda of understanding to regulate their relations with governments. One key example is the absence of mechanisms for participation in the policy-making process. The threats often uttered by sponsors and governments who use NGOs for their own ends are also problematic. In many instances, such sponsors and governments oblige NGOs to comply with their standards and priorities, for example promoting gender or HIV/AIDS agendas.

Donors sometimes play NGOs against each other by making them compete for funds for the same project, which promotes unfair competition and creates enmity between NGOs. In other instances, donors duplicate NGOs activities (Michael, 2004). It has therefore been suggested that funding organisations themselves should adopt a governance approach. This governance approach should be clearly articulated and made available to all who approach the funding organisation for support.

A major challenge lies in the lack of power within NGOs. Michael (2004: 177) defines a powerful NGO as one that has

the ability to set its own priorities, define its own agenda, and exert its influence on the international development community, even in the face of opposition from government, donors, international NGOs and other development actors.

An NGO has to be able to create space, financial independence and strong links to the international community and an approach to development as a political issue. This may be impossible, however, due to a lack of access to capital (Bratton 1994a; Kasfir 1998) as quoted by Michael (2004). NGOs also face the difficulty of planning and coordinating their activities in complex ethical worlds, and within different linguistic and religious communities (Gyimah-Boadi, 1996). This is linked to their inability to attract and retain the right calibre of staff.

Where the state is confident of its democracy and inherent principles, and its system of governance and performance, it will nurture a healthy relationship with NGOs. Conversely, where a state has a flawed system of governance that does not meet performance levels, it will perpetually feel threatened.

### **1.5 Participation in Swaziland**

Civil society participation refers to the involvement and consultation of civil society in any process including decision-making. The law-making process results in policies or laws that are used in development processes. For the sake of sustainability, civil societies need to manage all the processes that affect their livelihoods and the economies of their countries.<sup>4</sup>

In Swaziland, the participation of Swazis in national decisions has been restricted in mainly two ways: The first way pertains to traditional leadership, in terms of which the king and the chief are born and not elected (this approach, though, is not exclusive to Swaziland). Consequently, minimal democratic processes are exercised when appointing councils around the king, chiefs and others. Although the king's subjects participate, the decisions largely lie with the main figures of authority.

Secondly, colonialists never encouraged native participation, as they maintained separate political developments. Both of these factors

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<sup>4</sup> Civil Society Guide to Law Making Processes in SADC Countries, 2002: 3

proportionately removed vast participation spaces and opportunities for Africans. The failure of the departing colonial state and the immediate post-colonial power elite to appreciate and utilise a people-centred and people-driven constitution-making approach removed possibilities for responsive and responsible public policy.

Thus, independent Africa inherited a non-hegemonic state that lacked the capacity to create a conducive environment for rational, sustainable and effective public policy. African elites did everything to by-pass the rules of politics, to depoliticise the polity, to intimidate people and their communities and to divert attention from underdevelopment and inequality. The state became a means of accumulation of wealth and power in the hands of the elite, and constitutions were abrogated, suspended, disregarded and discredited, as was the case in Swaziland (Kalu, 2004: 241).

Democracy calls for the participation of citizens in governance, both directly in their private capacity as well as through their representatives, interest groups, associations, trade unions and religious bodies. Participation generally involves identification of issues needing policy intervention, advocating for specific interventions and exercising oversight on governance institutions (Kwara, 2002). The role of civil society in governance is emphasised by Jorgensen (1996), who stresses the direction taken by citizens in debates on social development to influence government and business. This can also be done through effective periodic elections and referenda.

According to Mbao (1989), participation is the capacity to influence or play a vital role in the decision-making process or in the development of various economic and social processes. Participation also implies some form of organisation, or at least an attempt to create one.

The approach used in most instances is the “top-down” approach. What has been suggested, though, to enhance participation is the “bottom-up” approach. However, Dror (1983) has noted that the weakness of this approach is that it allows for the people at grassroots level to deliberate over key issues without the requisite resources or tools with which to make

informed decisions. This he notes is due to the tendency of people in crucial positions, such as politicians, to withhold vital information from the people at grassroots level, denying them the opportunity to make informed decisions.

Some African governments have recently attempted to improve participation of the population by labelling their processes 'participatory'. Most attempts have thus far been unsuccessful due to a lack of appropriate methodology, expertise, experience and a failure to organise the regular consultation of all stakeholders. In addition to this, most governmental policy-making decisions were donor driven, which means that people were not actively involved.

### **1.5.1 Analysing Participation**

In addressing the issue of the extent and quality of citizen's participation in the decision making of the state, the GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit) a German technical development agency is currently developing an analytical framework for compiling diverse mechanisms of participation and analysing the quality and effectiveness of these mechanisms (Gutierrez, 2004). It also provides pointers for developing guidelines that clarify the legal aspects of the mechanisms and indicators to ensure their institutional mainstreaming within the political system. The participation criterion includes democracy and related factors, such as representativeness, legitimacy of the mechanism, legitimacy of the political decision process, transparency, control, dialogue and strengthening of the public sphere (Gutierrez, 2004). In terms of state action, the information basis of policymaking is as important as policy implementation. Conditions for the peaceful resolution of conflicts and conditions for social justice in addition to institution building are also essential.

The capacity of Civil Society Organisations (CSOs) is critically important, as far as the participation facilitates the agenda setting process and articulation of CSO-related issues. Representation should reflect the contribution of the mechanism towards establishing clear rules for representation. CSO

impediments have to be identified and addressed. The costs of participation, and who shoulders them is also fundamental.

Community participation can be initiated or motivated either by individuals or by interest groups working with the community through “bottom-up” participation. It can also be initiated by an individual or an organisation, often a higher government authority or non-governmental organisation, working as a development agency in the community, though not really with them. This is called the “top-down approach.

One of the international torchbearers in development issues, the United Nations Development Programme (UNDP) has defined popular participation as “entailing the creation of opportunities that enable all members of a community and the larger society to actively contribute to and influence the development process to share equitably in the fruits of development” (UNDP, 1981:5). It requires the autonomy of citizen initiation in local decision-making in order to promote self-management’ self-confidence and creativity at local or group level is another requirement. Of equal importance is an efficient and free flow of information in an information network linking the community horizontally and vertically UNDP (1981: 6).

Constraints to popular participation as listed by the UNDP (1981:7-8) exist because of extreme disparities in wealth, income, power and status of communities. Other constraints are created by the fact that economic controls are often in the hands of a few elites and the state machinery, and thus lack the means to distribute resources inequitably. Deep divisions among people based on ethnicity, language, gender or age and based demographic patterns of settlement limit participation.

Popular participation is categorised according to how it is initiated (UNDP, 1981:8), that is:

- i) spontaneous participation (voluntary, bottom-up without external support),

- ii) induced participation (sponsored, mandated and officially endorsed) and
- iii) coerced participation (compulsory, manipulated and contrived).

The UNDP emphasises that induced participation is the most prevalent in developing countries, where governments often use such strategies as motivating and training local leaders to assume leadership roles, establishing self-management and cooperative organisation, and promoting civic and community bodies... [but] in the long run, popular participation that is forced and lacking in public support will turn out to be counter productive and erode citizen interest in becoming involved in development activities.

Through comparative studies, two factors that significantly limit participation have been identified by the UNDP as being the centralisation of the planning process and the complexity of planning itself. Further, the lack of information and technical data also plays an important role, as do the costs of participation in terms of time loss, financial costs and standards. Other factors include the negative attitude of planners to popular participation and popular resistance to participation because of apathy and feelings of powerlessness (UNDP, 1981: 16-17). It is suggested, however, that participation can be enriched through decentralisation of planning, education of communities and planners and improved information and communication systems. Moreover, the UNDP recommends the active promotion by the government of innovative ways of popular community participation (1981: 17, 22, 24).

### **1.5.2 Challenges to Participation**

A sharp increase in the influence of civil society in the public debate has been observed over the past decade. Gutierrez (2004: 1) notes that their impact on the political decision-making of the state has been limited. She partly attributes this to mechanisms that have been established to allow for a serious representation of CSO interests, which often weigh less in the institutional landscape. She notes that rules of participation have no legal binding force. In policy formulation and implementation, the mechanisms for participation of

civil society are often viewed as acts of generosity of the state as opposed to being a binding platform of negotiations of rights and obligations between the state and its citizens.

The result is that the state has the discretion to involve or not to involve CSOs in national processes. When it does engage them, it is often unclear whether they are being genuinely engaged or merely informed. It is also unclear what rights and obligations they carry (Gutierrez, 2004: 1-2). All this is important for emerging democracies throughout Africa and for aspiring democracies, such as Swaziland.

Some elements are worth considering when analysing the extent of participation. The first of these is information sharing, where the state informs CSOs about a particular issue. Consultations and hearings designed to allow an exchange of opinions and information between the government and NGO sectors about particular decision-making of the state are important too. Collaboration is another special feature of consultation, because, although the CSOs have no formal means of influencing the process, they tend to do so in practice. Joint decision-making, where CSOs are formally part of the decision-making actors with a voice and entitled to vote is vital, though the weighing votes may practically reduce the influence of CSOs.

## **1.6 Agenda-setting**

A person or group of stakeholders in society may identify a policy issue or area of concern, detrimentally affecting them or another section of society, and mobilise support to convince policy makers to act on it to change the situation in their favour. This marks the beginning of the policy process usually called 'policy agenda-setting'. Public officials have to be receptive to new ideas and responsible private individuals have to be willing to think through and offer such ideas and insights that will creatively ensure improvement in the economic and political conditions of the people (Kalu, 2004: 2).



The importance of agenda setting is that it determines who influences or controls the policy-making process and that it determines how stakeholders influence the policy agenda. In general, agenda setting is the process by which decision makers select issues they deem worthy of government consideration. Thus, what becomes an issue in the public policy agenda reflects the values and victory of government officials whose ideas or resources outweigh those of the opposition.

Agenda setting is therefore both substantive and procedural. The stages model advanced by Hogwood and Gunn (1984) show the first stage as 'deciding to decide', which is also known as agenda setting and is followed by the issue infiltration stage. Thereafter comes issue definition, forecasting, setting of objectives and priorities. This is followed by the option analysis stage and finally the most critical stages of policy; implementation, monitoring and control. At the end are evaluation and review, plus policy maintenance, succession and termination.

An agenda prioritises issues for attention by decision-makers through placing them in order of importance, with the most important at the top attracting the attention, and the least important at the bottom, receiving the least response. Jones (1984: 57) asserts that, like perception, aggression, organisation and representation agenda setting is about "getting problems to the government." Furthermore, the term "agenda... portrays those issues judged to require public action" (Jones, 1984: 59).

Identification and articulation of an issue does not mean that it automatically constitutes the agenda: a pre-screening process is involved. Policy agenda setting is, in a wider sense, a deliberate process of planning and action that defines priorities, policy issues and problems, mobilises support and lobbies decision-makers to take appropriate action (Cloete and Wissink, 2000: 98).

The surge of policy related issues and the problems that any government faces, normally with inadequate resources to address them effectively, makes policy agenda setting necessary. Further to this, Swilling (1992: 7) says that,

in as much as policy is about power, policymaking is about structuring the agenda of social and political life. Consequently, political, economic, social, technological, cultural and global factors are pertinent too.

Crisis plays a vital role in agenda setting. The policy problem must achieve particularity, in that it should draw international attention, as exemplified by the recent Tsunami disaster of December 2004. The media is important in this regard, and the issue can have an emotive aspect. Having a wide impact and emotive appeal increases the chances for the issue to be placed in a superior position on the agenda. Issues with symbolic value are fashionable for government to address, as they give it worldwide exposure and stimulate local economies, while boosting the personal image of political leaders. Those endowed with wealth, skills, knowledge and resources tend to have more advantage and bargaining power as agenda setters.

Role players in agenda setting include elected political office bearers, appointed officials and the media. According to Jones (1984: 59) and Howlett and Ramesh (1995: 112), there are two types of agenda setting: the systematic agenda and institutional agenda. The former entails a broader set of issues facing society, though not all the issues receive government attention. In the latter, problems receive formal attention from the government. There are four major phases of agenda setting, as an issue moves from the systematic to the institutional agenda by first being initiated, their solutions specified and their support base expanded.

Kalu (2004) asserts that public policy agenda are based on the issue, the actors, their interests and the available resources they are willing to commit to securing preferred outcomes. He notes that agenda setting in Africa is highly influenced by outside variables. No sooner will they have made a transition from a non-democratic to a democratic dispensation will outside forces set certain expectations for them. As a result, they have been unable to restructure themselves internally; an example of this is the introduction of Structural Adjustment Programmes (SAPs) in the 1990s. Kalu (2004) attributes this to the absence of a policy framework and a plausible

mechanism for holding public officials accountable for their role in government, and distorted democratic interests.

This can reduce civil society organisations to externally focused, opportunistic, corrupt and visionless agencies for pursuing the tentative, shaky and limited agenda of 'change' that has been largely packaged and defined from the outside. Yet Ihonvbere (2004) asserts that it is only the continuing courage and determination of civil society groups and leaders, and especially movements of students, women, workers, environmentalists, professionals and human rights activists that have prevented the state from going overboard (Kalu, 2004: 244).

### **1.7 Conclusion**

Democracy and participation are closely related principles, and good constitutions draw a link between them. Civil society plays a vital role in encouraging participation, strengthening the culture of constitutionalism, and influencing the content and context of public policy. Generally, a vibrant civil society is important for democratisation and good policy formulation.

## CHAPTER 2: HISTORICAL BACKGROUND

### 2.1 Introduction

In this chapter, a detailed background of Swaziland as the country under investigation is presented. Swaziland operates under a dual legal system, which creates duality in all spheres of Swazi life. These dualities are examined here, by examining the modern and traditional structures of governance. The duality has implications on policy making in instances of pronouncements made by the King in traditional settings. These implications are explained in this chapter.

A national constitution is of paramount importance as it reflects the aspirations of citizens and encourages participation. Swaziland has shown a reluctance to emerge with a constitution, this reticence is illustrated here, and its implications for policymaking explained.

Regular, free and fair elections are an integral part of democracy, and the electoral system of Swaziland is examined here. This leads to an explanation of the Swazi Parliament and the Government of Swaziland. The *Tinkhundla* system of government, (a system of government based on traditional structures) that currently operates in Swaziland has been criticised repeatedly for its inability to decentralise power and services.

This chapter sets out the character of civil society in order to ascertain the nature and extent of NGO participation in vital national issues with a special emphasis on policymaking. Mamdani (1996) states that citizens have faith in civil society to lead the democratisation process of any particular society. Civil society has been perceived in Swaziland as an agency for change, and the state as a force that seeks to maintain the *status quo*. Consequently, there is an expectation that civil society agencies will play a prominent part in the drive towards democracy and by extension in other processes, such as policymaking.

This chapter therefore traces the history of NGOs in Swaziland and their role and contribution to democracy. In turn, this chapter examines the credibility on NGOs as representatives of communities.

## **2.2 Country Profile**

With a population of 1.1 million people<sup>5</sup>, Swaziland is a landlocked country covering 17,364 square kilometers. The North-South and East-West axes measure 190 kilometers and 145 kilometers respectively (Mzizi, 2002). Surrounded by South Africa and Mozambique, the country is divided into four geographical and geological regions, namely, Hhohho in the North, Lubombo in the East, Manzini in the West and Shiselweni in the South.

One of the three remaining monarchies in Africa, Swaziland is a no-party state, with a professed 'unique democracy'. The idea of a 'unique democracy' stems from the fact that Swaziland is a highly traditional country that prides itself in upholding its tradition and culture in a changing world. Given that many other African states maintain their traditions while implementing Western style democratic institutions, Swaziland is not unique in doing so. Nonetheless, Swaziland does stand out among African countries for the degree to which it has used 'traditional' values to justify the rule of a traditional oligarchy.

Because of this adherence to tradition and culture, those in power accord Swaziland a unique status, claiming that the concept of democracy as it is known in other settings would not be suitable for the country. In reality, though, this professed 'unique democracy' does not in fact meet even the minimal standards of democracy, such as having a national constitution.

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<sup>5</sup> Central Statistics Office Projections using Spectrum Package based on 1997 Housing and Population Census, as quoted in RAAAP (2004).

### 2.2.1 Historical Background

Independence from Britain was gained in 1968. This was a smooth, uneventful transition, with the country inheriting the pre-independence Westminster-style constitution together with a comprehensive Bill of Rights drafted by the British in 1968.

This constitution was unilaterally repealed by the then King Sobhuza II through the infamous *King's Proclamation to the Nation No 7 1973* on 12 April. This proclamation vested all executive, judiciary and legislative power in the King, and removed the Bill of Rights. This announcement was made to the nation from the cattle byre or *esibayeni*, a traditional setting where meetings to address issues of national concern are held. It was moreover made in the presence of the armed forces. It banned all political activity and parties, stating that the Swazis perceived these as "an undesirable element in their society" and "running counter to Swazi way of life".<sup>6</sup> The decree introduced a law allowing *Sixty Days Detention without Trial*. This move by the King effectively silenced, stifled and suppressed open political activity in the country.

Before independence, there had been several minor parties, viz. the Swaziland United Front, the Swaziland Progressive Party, the Swaziland Democratic Party and two major ones, viz. the Ngwane National Liberatory Congress (NNLC), constituted of progressives seeking liberal democracy, and the Imbhokodvo<sup>7</sup> National Movement (INM) supported by traditionalists, including the King. Swazi history tells us that the King was never in favour of political parties, and that his move in 1973 was thus really a way to neutralise potential antagonism by condemning Western political institutions.

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<sup>6</sup> Vilakazi A.L in "Swaziland and Lesotho: From Traditionalism to Modernity" cited by P N Takarambude, "External Law and Social Structure in an African Context: An Essay about a Normative Imposition and Survival in Swaziland" (1983) XVI *Comparative and International Journal of South Africa* 209 pp 212-213 says that: "When the Swazi speak of 'our way of life' and 'our traditions' they refer to the social relationships and social actions that take as their point of departure age-old customs validated by the ideology of traditionalism and legitimised by the king"

<sup>7</sup> *Imbokodvo* means 'a grinding stone' in English.

Four national consultative reviews known as Vusela<sup>8</sup> Commissions were undertaken. The reports of each of these reviews recommended the formulation of a national constitution that would meet international standards and the people's aspirations. During these consultative meetings, a multi-party system as an alternative to the no party system was discussed<sup>9</sup>, but because of its controversial nature was usually misrepresented (people were misinformed and multi-party systems were presented as leading to poverty, possibly even anarchy).

A constitution-making process commenced in 1996 but to date, thirty-seven years after independence, no constitution that would promote a healthy democracy and protect its citizens has been produced.

In a conference dubbed "Bridging the Political Divide"<sup>10</sup> a presenter and lecturer at the University of Pretoria aptly described the Swazi constitutional developments as "very much like a journey taken by the slowest animal, with the capacity to convince its beholders that it is different from the animal they might have seen previously – the chameleon". In other words, these constitutional developments appear to be evolving steadily, but are never truly changing. This is because of delaying tactics employed by the King and his clique.

In order to understand the constitution making process of Swaziland, one needs to consider the influence of tradition. The most important constitutional decisions are anchored in tradition, such as the selection of the head of state and the Prime Minister. Swazi life is also based on an allegiance system created by one of the pioneers of the Swazi state, King Mswati I, a regiment system of political socialisation that has reinforced the authority of the monarchy. Participants in this system have developed a sense of loyalty and

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<sup>8</sup> *Vusela* means 'greetings' in English.

<sup>9</sup> Vuselas II Report: 1992:59

<sup>10</sup> Proceedings of a Conference on Bridging the Political Divide, 21-23 June 2002, Pigg's Peak, Swaziland. p.19

obligation towards the Dlamini clan, which offered some upward mobility to members of other clans.<sup>11</sup>

### 2.2.2 Distinct Historical and Constitutional Phases

The developments with regard to the drafting of a constitution can be divided into several distinct phases. The first three of these (up to 1973) are merely mentioned, but the remaining phases (after 1978) will be discussed:

- The Pre-Self-governing Negotiations (1960-1964)
- The Pre-Independence Era (1964-1968)
- Self-governing and Post-Independence (1968-1973)

The other phases up to the present day are discussed further below.

- Beyond the King's Proclamation (1973-1978)

With regard to the fourth phase, above, the *King's Proclamation to the Nation No. 7 of 1973* is particularly important; in Article 3 thereof, the King makes the following declaration:

I hereby declare that I have assumed all supreme power in the Kingdom of Swaziland and that all Legislative, Executive and Judicial power is vested in myself and shall, for the meantime, be exercised in collaboration with a Council constituted by my Cabinet Ministers.<sup>12</sup>

In this way, the Cabinet was reconstituted into a Council of Ministers, and it became the only Western type of institution the King consulted. Briefly, therefore, the 1968 Constitution and its electoral process were repealed, allegedly because of their inflexibility, their likelihood to cause political and

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<sup>11</sup> Proceedings of a Conference on Bridging the Political Divide, 21-23 June 2002, Pigg's Peak, Swaziland. p.25.

<sup>12</sup> A manual on Civic Education Workshops Council of Swaziland Churches (2000:39)



social strife, the inclusion of foreign concepts and the granting unlimited sovereignty to Parliament.<sup>13</sup>

- The Rise of the *Tinkhundla* System of Government (1978-1992).

The *Establishment of Parliament Order of 1978* introduced significant constitutional changes and re-introduced Parliament through unelected parliamentary representation.

- The Never-Ending Constitution Making Process (1996- 2000)

Even before King Mswati III was inaugurated in 1986, there had been pressure from ... for the removal of the 1973 Decree, which the said King disregarded throughout his reign. The political changes in South Africa of the 1990's allowed and encouraged greater collaboration between the (SFTU) Swazi Federation of Trade Unions and the Council of South African Trade Unions (COSATU), which had strong ties with the African National Congress (ANC). This meant that the pressure to democratise came from an influential source. The heads of state of other Southern African Development Community (SADC) countries joined this call on the Swazi monarch (Lodge et al, 2002: 326). His Majesty responded by commissioning several committees to solicit views and recommendations from the people who had called for the development of a new constitution. The combination of the internal and external pressure resulted in the appointment in 1996 of a commission to draft a national constitution.

- The Constitutional Drafting Committee (CDC) 2002 to date

The CDC was established in 2002 and headed by Prince David. The Executive, Legislative and, most notably, Judiciary bodies were not consulted in the drafting process, which is indicative of the political irregularities that have marred the constitution-building process in Swaziland. The CDC finally presented its draft constitution to the king and the nation on 31 May 2003. No

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<sup>13</sup> Proceedings of a Conference on Bridging the Political Divide, 21-23 June 2002, Pigg's Peak, Swaziland. p.32.

clear-cut adoption process was mentioned, yet precisely this aspect is crucial for a constitution to gain democratic legitimacy (IBA Report, 2003: 5).

Again, people were dissatisfied with both the process and the product. There had been no genuine national participation. Stakeholders, civil groups and individuals were excluded, and contributions were screened by the Swaziland National Council Standing Committee (SNCSC), an advisory committee to King Mswati III (IBA Report, 2003: 5). The National Constitutional Assembly (NCA), comprised of lawyers and political activists, has also criticised the Constitution as being illegitimate and undemocratic.

Prof Chuks Okpaluba, a lecturer at the University of the North, Pretoria, noted that without these principles, Constitutional Law in Swaziland is unlikely to develop, as there are no opportunities to challenge its merit. Unless citizens go to court and secure a decision against government or authority, constitutional law cannot be developed.<sup>14</sup>

## 2.3. The Duality Dilemma

### 2.3.1 A Dual Monarchy

Historians have often referred to Swaziland as a dual monarchy, reigned by the King together with the *Indlovukazi*<sup>15</sup> or Queen Mother. She does not have to be the King's biological mother. It can also be with a Queen Regent (as happened in the recent past)<sup>16</sup>. This idea has caused confusion. 'Dual monarchy' is not an accurate description. The King rules along with the Queen Mother, who acts in a consultative capacity, and the *Liqoqo* advises both.<sup>17</sup> The King may, however make decisions without consulting the Queen Mother.

<sup>14</sup> Proceedings of a Conference on Bridging the Political Divide, 21-23 June 2002, Pigg's Peak, Swaziland. 39-40.

<sup>15</sup> *Indlovukazi* means 'the she elephant' in English.

<sup>16</sup> The late King Sobhuza II at the time reigned together with Gwamile Mdluli, his grandmother and Queen Regent

<sup>17</sup> The *Liqoqo* is defined under Section 144 of the 1968 Constitution as a "Council, the membership of which is in part elected by the Swazi National Council from among their number, in part selected by the *Ngwenyama* and in part traditionally appointed, and of which both the *Ngwenyama* and *Ndlovukazi*

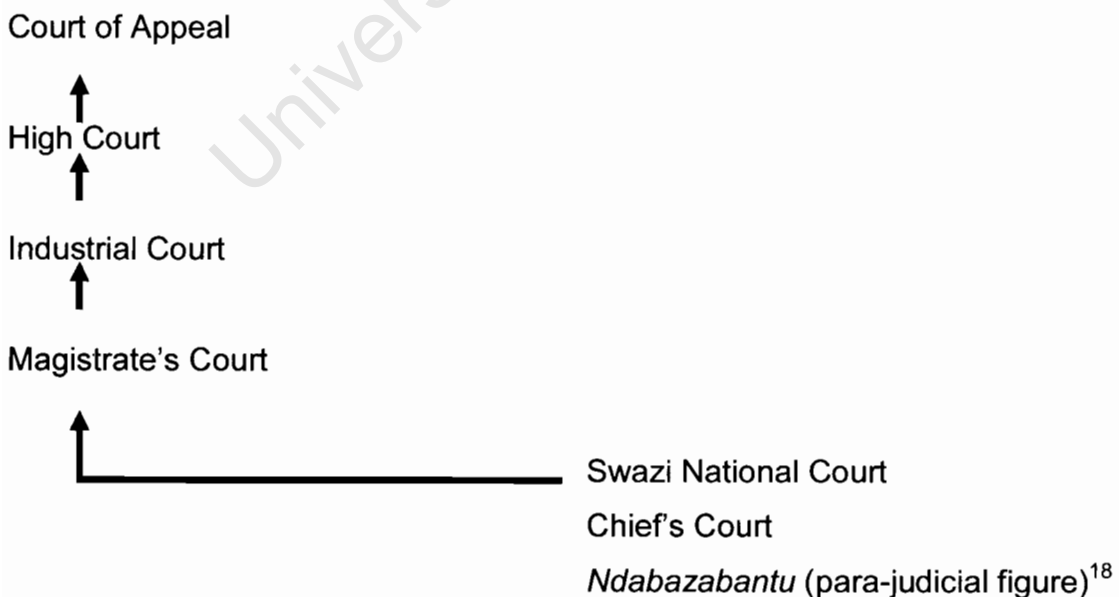
### 2.3.2 The Dual Legal System

In addition to being ruled by a dual monarchy, Swaziland also operates under a dual legal system, with the inherited Roman Dutch Law (a combination of Statutory Law and Common Law) on the one hand and Customary Law (indigenous Swazi law based on custom and tradition) on the other. Using Max Weber's terminology, Saunders points out that, whereas the general law (Roman Dutch Law) provides a type of 'legal' domination, the indigenous law is a blend of the 'traditional' and the 'charismatic' (Saunders, 1984:10). For these reasons, most Swazis still prefer to use Customary Law. It is also more accessible to the ordinary Swazi because of its affordability and expediency.

### 2.3.3 The Dual Court System

The existence of the Common Law alongside Swazi Law and Custom translates into a dual court system, as illustrated below:

*Diagram 1: Dual Court System*



are themselves members". This definition has since been redefined at least twice. See Decree No. 1 of 1982 and the Regent's Decree No. 4 of 1984, being the King's Proclamation (Amendment) No. 3 1984  
<sup>18</sup> UNDP (2003: 15).

Judicial powers are vested in the dual system, with the one being independent and based on Western Law, and the other being traditional and based on unwritten laws and customs.

Ordinarily, these two court systems complement each other, although they do sometimes result in clashes of jurisdiction. An aggrieved party who has lost a court case has the right to appeal to the King in what is known as *kwembula ingubo enkhosini*. In recent years, this approach has been applied in labour issues or where trade unions have an unresolved issue with employers. It becomes impossible to maintain the court's decision if an instruction for reinstatement or dismissal comes from the head of state. When there is no derailment from the Common Law court processes, however, these two court systems co-exist and merge at the highest level (the Court of Appeal) as shown in the diagram above. One can thus appeal in a matter that has come from the Swazi National Court through the High Court and to the Court of Appeal.

#### **2.3.4 The Dual System of Governance**

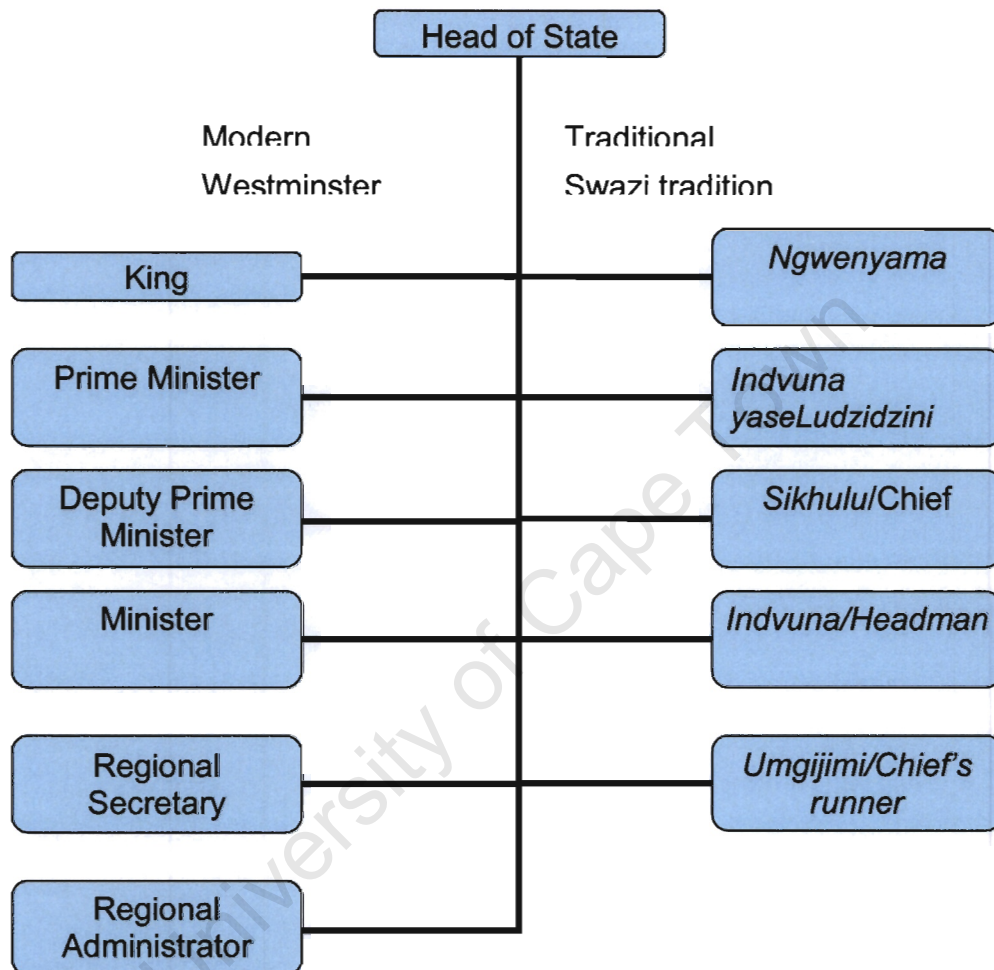
The head of state therefore operates in two separate capacities, firstly as King according to Common Law and secondly as *Ngwenyama*<sup>19</sup> under Customary Law. This has resulted in a dual government system with a 'modern' system of government based on the Westminster system, including a cabinet and a civil service, existing alongside the traditional government system based on *Emabandla*.<sup>20</sup> A Swaziland National Council Standing Committee (SNCSC) is also appointed by the King, drawn largely from a traditional power structure, and its members advise the King on issues, including comments regarding legislation coming out of Parliament, prior to assent by the King. The SNCSC tends to be powerful and influential because of their proximity and access to

<sup>19</sup> *Ngwenyama* is the SiSwati term for king, associated with the symbol of the lion.

<sup>20</sup> *Emabandla* means councils in English: These councils are usually advisory in nature and mostly made up of members of the royal family. The term also applies to chiefs' councils.

the *Ngwenyama*. The power derived from their strategic position enables them to override decisions of the cabinet.

*Diagram 2: The Dual System of Government*



*(Note: These structures are not necessarily at the same level with the same powers but the diagram serves to highlight the hierarchical structure of each system.)*

Municipalities are currently only in urban areas. As such, local government is at two levels, modern and traditional as illustrated below.

*Diagram 3: Local Government*

### **Municipalities/City Councils**

Town/City Mayor



Chairman of the Board



Town Clerk



Councillors

### **Tinkhundla**

Member of Parliament



*Indvuna YeNkhundla*



*Bucopho*  
committee

– *bucopho*



Executive  
*Inkhundla*

Council of



*Bandlancane*



*Ndabazabantu* – para judicial  
figure

### 2.3.5 Explanation of the Duality

Common to other commonwealth African jurisdictions, dualism (also referred to as parallelism) is a system where traditional structures co-exist by law with elected councils that are sometimes equal and independent of each other and operating parallel to one another and at other times are not.<sup>21</sup> The experience with duality in SADC is that it “usually leads to unhealthy competition for power, duplication of effort and wastage of resources”.<sup>22</sup>

The duality in Swaziland has been maintained for a variety of reasons, amongst which is the fact that the majority (about 80%) of Swazi people live in rural areas. This majority has minimal education, resources and language skills, and would be better served by a system that accommodates these limitations. It has also been kept to maintain tradition and custom, which forms a power base for those in power who benefit from the advantages derived from tradition and custom. In addition to this, it was understood by those in power that this duality could be reconciled and made to operate efficiently by having the *Tinkhundla* evolve into modern day local government institutions on the basis of which decentralisation could be effected.<sup>23</sup> Ideally, they were intended to develop into local District Councils. Despite these aspirations, the *Tinkhundla* are only local government institutions in name, as they are singularly lacking in resources – they have no budgets, no managerial back up and consequently no executive capacity. The *Urban Government Act 1969* governs municipalities, while the idea of the *Tinkhundla* came through King Sobhuza II in 1955.

This duality has caused confusion, as it results in duplication, contradictions and conflict. It also results in the overlap of duties and responsibilities, and creates gaps in the delivery of services. This is most clearly seen in operations within the legal system and in policy making in the country. Within the law it leaves grey areas and uncertainty, and in the policy making process

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<sup>21</sup> UNDP (2003: 69).

<sup>22</sup> *Ibid.*, p69.

<sup>23</sup> *Ibid.*, p2

it creates confusion because the King as *Ngwenyama* can make pronouncements that have implications on the modern government, which the latter has to accommodate even though they are usually unplanned.

### **2.3.6 Instances of Conflict between Public Policy and Traditional Governance**

There are various instances of pronouncement on policy including those by the king. Pronouncements made by the King often constitute policy. They are usually made at the Opening of Parliament or in traditional ceremonial settings where the king is acting in his capacity as *Ngwenyama*.

The first post-independence instance where the King made such pronouncements was the repealing of the 1968 Constitution. A second example was when a controversy arose about the payment of *lobola*<sup>24</sup>; the late king made a pronouncement that, henceforth, one cow given as *lobola* would be the equivalent of 10 pounds. This is an example of a royal pronouncement that had policy implications.

The current king has continued to make such pronouncements; for example, when formally dispersing the *emabutfo*<sup>25</sup> after performing traditional duties he could state that they would be paid a certain allowance for participating in traditional activities. At the opening of Parliament, for example, the king could unexpectedly state that no child should be refused education for lack of resource, implying that there should be free education. The Ministry of Education would then have to consider the existing Education Policy and reconcile it with this recent pronouncement.

An interesting angle to explore by extension would be the pronouncements made by chiefs. Instances such as the banning of funerals on a particular

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<sup>24</sup> *Lobola* in simple terms is bride price, but it is at the centre of a wide range of social and cultural implications.

<sup>25</sup> *Emabutfo* means warriors in English, and refers to Swazi male regiments.



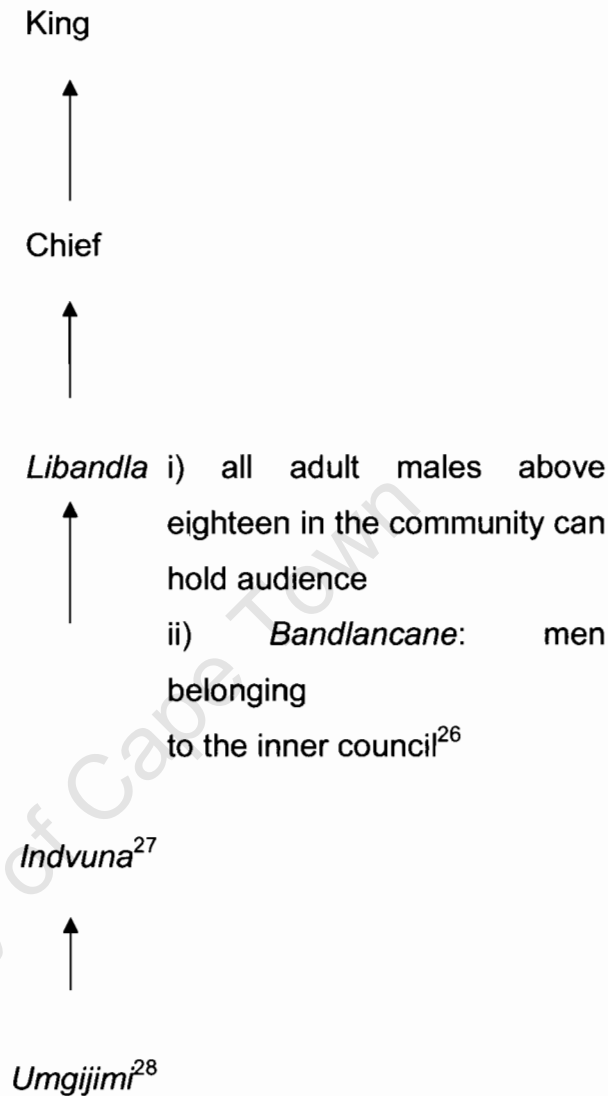
weekday, with fines levied for infringement, tend to become law in the traditional setting, even though the courts may not legally sanction them.

### **2.3.7 The Chief's Roles and Responsibilities**

According to Whitfield (quoted in Nhlabatsi, 1996: 5), the chief was originally charged with economic, ritual and legal duties in the area under his control. The chief's duty to maintain law and order and to arrest with or without warrant is covered by Section 86(3) of the *Swazi Administration Order 1950*.

With the weakening of the traditional system through modernisation, the chief has lost most of his powers of control over his people. The colonial administration deprived the chief of the full power to punish disobedient followers. It viewed the chief as a hindrance to progress and modernisation. Political disorder set in and almost destroyed the traditional society (Dlamini, 1992).

Diagram 4: The position of the chief



In contemporary Swaziland, the functions of chiefs can be grouped into three main categories. Firstly, the chiefs are responsible for adjudicating cases according to Customary Law; up to 95% of their time is spent on this. Secondly, they are responsible for administration, which involves allocation of land done through the *kukhonta*<sup>29</sup> system. The Chief and his advisors, who

<sup>26</sup> *Bandlancane* (meaning inner council in English) refers to a group of approximately 10 men, who act as advisors to the chief, and who have been mainly selected by him. They are often relatives of the chief. *Bantfwabenhosi* (meaning members of the extended royal family in English) in the chiefdom.

<sup>27</sup> Other officials also hold the title of *indvuna* (meaning headman in English), such as ward heads (in larger chiefdoms), the Commander of Regiments and the Runner.

<sup>28</sup> The *Umgijimi* (meaning the runner in English) is the Chief's Runner.

<sup>29</sup> *Kukhonta* is a system of acquiring Swazi Nation Land. It is a type of vassalage system (Kuper 1947: 67) involving legal and economic obligations on both parties.

consist mainly of *imisumpe*,<sup>30</sup> have the responsibility of pegging the area to be allocated. This has policy implications in terms of what transpires on that piece of land during its occupation. Thirdly, additional duties of the Chief include the processing of official documents, such as passports and applications for scholarships. The promotion of economic development is the fourth function, especially in light of the poverty and HIV/AIDS situation.<sup>31</sup>

The country distinguishes between Swazi Nation Land (SNL), which is largely constituted by the land in rural areas, and Title Deed Land (TDL), which can be purchased under a ninety-nine year lease and is mainly land in urban areas. It is understood that the King holds SNL in trust for the Swazi nation. The Chiefs in turn hold the land for the King in trust for the Swazi nation. The issue of land is a sensitive and controversial one in Swaziland. Land issues are regulated through the *Land Policy*. However, because of these two land tenure systems, they are administered differently and the administration of both has policy implications.

### **2.3.8 Options for a New Legal system**

Three possibilities have been presented for a new legal system (Duggard, 1981).<sup>32</sup> The first is the outright rejection of Swazi Customary Law in favour of adopting Common Law, because traditional customs are often linked to outdated social and political conditions. The extremely conservative nature of Customary Law means that it can act as an obstacle to new developments. The second possibility is the total adoption of Customary Law, making it 'the general law of the land', and the rejection of foreign law in its entirety. The third option is an integration of many elements of Customary Law into modern law, retaining indigenous laws that are accurate features and characteristics of the Swazi, and only dismissing those, which may be unjust or cause the country to stagnate.

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<sup>30</sup> *Imisumpe* are community elders who are members of the chief's advisory council.

<sup>31</sup> UNDP (2003: 2)

## 2.4 Swaziland's Electoral System

Elections lie at the heart of democracy; in other words, it is through the act of voting that government by consent is secured. They highlight two major categories of electoral systems: classical and non-classical. Classical electoral systems include plurality systems, majority systems and proportionality systems. Non-classical electoral systems are no party systems, one party systems and semi-competitive elections.

Non-classical elections are marked by restricted competition, whereas a high level of competition typifies classical elections. The latter moreover have an effect on the government and its policies, whereas non-classical elections do not modify the control of power and policy directions.

Like many countries, and even though it is a no-party state, Swaziland does hold elections. In fact, the extent to which they comply with the demands and requirements of international human rights codes is particularly interesting and relevant.

The first post-independence elections in 1972 were conducted under the 1968 Constitution and again won by the INM with an overwhelming majority. The NNLC, however, won three seats in Parliament from one of the constituencies. For the first time, the majority party was faced with an official opposition in Parliament. This result shook traditionalists in the INM and triggered a series of events that culminated in the repeal of the 1968 Constitution and its electoral laws (Matsebula, 1987: 256-259). Swaziland was unfamiliar with this system of government as the nation had not been properly initiated or oriented to it (Okpaluba et al, 1997: 131).

Stevens (1967: 230) describes how, when the elections were first held, the Swazi people approached the king to ask him for which party they were expected to vote. Consequently, the king formed the INM out of the SNC in order to protect Swazi traditions, particularly the traditional role of the monarchy. Effectively, once the people had been told which party to vote for,

they treated political opponents as physical enemies (Matsebula, 1987: 56), as is the case today.

It can be said that a substantial percentage of Swazis, especially those in rural areas, prefer the *Tinkhundla* system (possibly because they know no other and are drawn by the developmental functions and benefits of the system). However, this system of government and its electoral laws have been severely criticised from the beginning by both rural and urban folk. 'Progressives' and some ordinary people condemned the ideological basis of the system, as well as its lack of clarity vis-à-vis the roles and responsibilities of officials.<sup>33</sup> The low level of experience and educational background of some of the elected officials may explain the less than satisfactory performance of councils.<sup>34</sup> The system has further been criticised because the elections have been conducted in the absence of parties and because candidates were not allowed to campaign (Mthembu, 1992).

The uniqueness of the *Tinkhundla* system stems from the fact that it attempts to achieve a delicate balance between the Western type system of governance and the African traditional system of governance. Okpaluba et al (1997: 4) note that its traditionalist adherents pride themselves on their ability to operate an intricate web of governmental network in the total absence of a written constitution, political parties or even a Bill of Rights.

Independence in 1968 presented an opportunity to strengthen the *Tinkhundla*, but this did not happen. They continued to be marginalised until the 1978 elections, when they were used as electoral colleges and parliamentary constituencies and their number increased from twenty-two to forty.<sup>35</sup> They are meant to promote participation in local government and to identify the needs of the people in order to assist government in planning its delivery of social services.

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<sup>33</sup> UNDP (2003).

<sup>34</sup> *Ibid.*, p17.

<sup>35</sup> *Ibid.*, p7.

Authorities saw it proper to review the system in response to pressure groups.<sup>36</sup> (Times of Swaziland: 19<sup>th</sup> April 1992). The king appointed a group known as Vusela I, headed by Prince Masitsela, to solicit views and recommendations countrywide on the *Tinkhundla* system of government and the electoral laws. From the information gathered, it was apparent that the electoral system needed to be reviewed. Another *Tinkhundla* Review Commission called Vusela II, this time led by Prince Mahlalengangeni, unveiled and confirmed previous criticism levelled against the *Tinkhundla* system of government and electoral system. The majority of Swazis making submissions wanted the *Tinkhundla* system retained but “reviewed and improved in the meantime”.<sup>37</sup> Despite intimidation from traditional authorities, there was enough canvassing by the progressives to enable opposition to the system to be voiced. The *Tinkhundla* system was sufficiently rejected in the exercise to necessitate changes.

The modifications comprised three laws to regulate the elections, namely *The Establishment of the Parliament of Swaziland Order No. 1 of 1992*, the *Elections Order No. 2 of 1992* and the *Voters’ Registration Act No. 3 of 1992*. Election activities are conducted at three levels.

- i. Umphakatsi or community level: where registration and nominations occur.
- ii. Inkhundla or constituency level: here candidates from the different communities compete to represent that particular constituency.
- iii. National level: where candidates compete to represent the constituency in parliament.

In terms of administering the elections, the King appoints an *Umphatsi Lukhetfo* or a Chief Electoral Officer, and a Deputy Electoral Officer. The

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<sup>36</sup> These pressure groups were the Human Rights Association of Swaziland (HUMARAS), the Swaziland National Association of Teachers (SNAT) (Swazi Observer, 1988); they also included putative political parties like the ... (NNLC), the People’s United Democratic Movement (PUDEMO), the Swaziland Youth Congress (SWAYOCO), the Swaziland National Front (SNF), and the Swaziland United Party.

<sup>37</sup> UNDP (2003: 9).

Chief Electoral Officer in turn appoints the rest of the officers. The High Court adjudicates in matters relating to elections, although some cases can be taken to the Magistrate's Court.

Elections were conducted again in 1993 under the new legislation, though parties remained banned. By this time, however, pressure groups opposed to the government had adopted a strategy to boycott the elections and drew a large following. As the election was not well monitored, however, it was not possible to ascertain how many voters actually stayed away, or what the real cause of the low voter turnout was. It is not known whether people responded to the call to boycott elections or were generally apathetic.

In 1998 and 2003, the Swazis again went to the polls, against the same backdrop of high levels of apathy and general discontentment (a significant number of people wanted the removal of the 1973 decree and the un-banning of political parties). The 2003 elections assumed another twist as members of pressure groups and self-un-banned political parties took part in the elections in a bid to 'fight the system from within', resulting in major divisions within the 'progressive's' movement. In the end, only a handful of members from these formations were elected into Parliament and their influence has been minimal.

## **2.5 The Swazi Parliament**

Parliament is important for policy-making processes, as this is where national issues are debated and transformed into policy and ultimately law. Swaziland has a bicameral Parliament, made up of the House of Assembly and the Senate. The House of Assembly consists of fifty-five members elected from the various constituencies across the country, and an additional ten members appointed the monarch. These sixty-five members in turn elect to the Senate 10 persons from outside their ranks, whereas the King appoints an additional twenty members.<sup>38</sup> The King appoints the Prime Minister from either of these two chambers or from outside Parliament. The Prime Minister, in consultation

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<sup>38</sup> These rules are set out in the *Establishment of Parliament Order 1992*.

with the King, thereafter selects a Cabinet from the members of both Houses of Parliament.

The King's power to appoint comes from two special sources: the special position of the King in Swazi culture, and the pre-requisite in Swaziland for him to act as a symbol of authority, legitimacy and unity (Okpaluba et al, 1997). Ideally, the purpose of these extra appointments is that other interest groups, and particularly minorities, may be granted an opportunity to be represented. Presently, though, this is not happening, as the King tends to nominate his friends and relatives in an effort to strengthen and reinforce the *status quo* and to reduce opposition in Parliament.

## 2.6 The Swazi Government

The present governance system is underpinned by a combination of the parliamentary system inherited from the British and the traditional system upheld by the monarchy. These systems have largely shaped the present pattern of the political processes, policies and laws.

The mission statement of the Government of the Kingdom of Swaziland is "to provide a climate and infrastructure that progressively maximises the quality and security of the people of Swaziland and makes the best use of the country's natural and human resources".<sup>39</sup>

The King appoints the Prime Minister. With the advice of the Prime Minister, he thereafter appoints members of the Cabinet. The King also appoints judges, Chief Executive Officers of Ministries and other important officials. The Attorney General is an *ex officio* member of the House of Assembly, and thus a civil servant appointed by the King. Members of the House of Assembly elect the Speaker. Clearly, the King as an Executive Monarch dominates all aspects of Swazi politics.

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<sup>39</sup> Local Government Reform and Decentralisation Policy Document, 2005: 4.



The government of Swaziland has fourteen ministries,<sup>40</sup> plus the Prime Minister's Office and the Deputy Prime Minister's Office (Hall, quoted in Legum, 2004: B) There also exists a Cabinet made up of Cabinet committees and other related organs and organisations.

The major process of transformation of the civil service to increase its efficiency, cost effectiveness and productivity took place through the Public Sector Management Programme (PSMP). The Swaziland Government launched this programme in 1995 with the aim of reforming the public service to enhance its capacity and performance. The PSMP has in the meantime launched a number of strategic interventions aimed at rationalising the operations of the civil service and ensuring fiscal management.

There is growing concern about the decreased capacity of government to deliver services, with its personnel simply lacking the skills they need in all sectors of government.<sup>41</sup> Although it is important to strengthen sectoral capacities, there is a need simultaneously to develop innovative community driven interventions that enable government and its key partners to respond in a systemic and integrated way to address the human capacity challenges.<sup>42</sup> These piloted interventions, if successful, can be scaled up to feed into broader policy formulation. The Southern African Capacity Initiative (SACI) has initiated this framework in Swaziland.

## **2.7 The Three Spheres of Government**

Being based on the Westminster system, the Swazi government consists of the three branches of government, namely the Legislature, the Executive and the Judiciary. However, given the current situation in Swaziland, functions in these important spheres are limited by the dual nature of the political system

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<sup>40</sup> These are: (1) The Ministry of Agriculture and Cooperatives, (2) Economic Planning and Development, (3) Education, (4) Enterprise and Employment, (5) Finance, (6) Foreign Affairs and Trade, (7) Health and Social Welfare, (8) Home Affairs, (9) Housing and Urban Development, (10) Justice and Constitutional Affairs, (11) Natural Resources and Energy, (12) Public Service and Information, (13) Public Works and Transport, (14) Tourism, Environment and Communication.

<sup>41</sup> UNDP (2003:64).

<sup>42</sup> *Ibid.*, p64.

as a whole.<sup>43</sup> This is compounded by the fact that the King has assumed all executive, legislative and judiciary powers.

Oversight of the executive is non-existent. In a representative government where politicians have been elected, they are expected to oversee the ways in which government implements policy and spends tax revenue. The executive is in theory accountable to the legislature. (Murray and Nijzink, 2002: 87).

With the Constitution being suspended in Swaziland, however, no provision for parliamentary accountability exists. The draft *National Constitution 2003* moreover does not alleviate the problem, as the power remains centralised in the King.

The oversight function creates a chain of accountability where voters confer authority to MPs in Parliament, which in turn confers authority on the Prime Minister and Cabinet, who establish and appoint departments and heads of departments. Departments and their heads account to Cabinet and the Prime Minister who are accountable to Parliamentarians, who in turn are accountable to the voters.

The chain of responsibility is different in Swaziland where at the end of the chain is the head of state in both his capacities as King and *Ngwenyama*. This clearly creates conflicts in which traditionally accorded loyalty and allegiance complicates and compromises accountability and transparency.

Parliamentarians are neither confident of their role nor sure of how to exercise oversight. This can be seen from issues irrelevant to the proceedings that emerge at question time. In the few instances where parliamentarians attempt to question issues of policy, implementation and tax spending, cabinet ministers become defensive about what they regard as meddling.

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<sup>43</sup> Proceedings of a Conference on Bridging the Political Divide, 21-23 June 2002, Pigg's Peak, Swaziland, p.40.

Oversight requires practices such as effective question sessions, special debates in plenary, committee reports and an annual national budget. The Executive in Swaziland closely guides the budget and the budgeting process, making it a closed process. The financial year also creates a problem in that spending will have started already by the time that members meet to discuss the budget, meaning that they are reacting to what has already been decided. Consequently, they have complained about merely rubber-stamping the budget.

Whereas the South African Constitution contains specific provisions for the relationship between the Executive and the Legislature with regard to issues of budgeting (Murray and Nijzink, 2002), the draft Swaziland Constitution has none. This is unfortunate because, if the legislature were accorded its legal and rightful function of oversight, it would be able to legislate on budgetary matters. This would allow voters through their representatives in Parliament to make the necessary amendments (Murray and Nijzink, 2002).

Oversight should relate to human rights. Neither in South Africa, nor in Swaziland are the Legislature, oversight, human rights and promotion of the Constitution explicitly linked (Murray and Nijzink, 2002). A constitution usually states the type of society government may promote. Monitoring of rights helps with this (Murray and Nijzink, 2002).

Giving people the right to enquire into the government's progress in implementing programmes makes politicians aware that they have to link policies to the broader constitution and obliges them to develop expertise in the human rights issues in their portfolios (Murray and Nijzink, 2002). This in turn enhances the ability of the state to promote and fulfil its human rights obligations. It gives the general public access to parliamentary procedures rather than limiting it to NGOs and pressure groups (Murray and Nijzink, 2002).

## 2.8 The Role of Civil Society in Democratisation

In recent decades, scholars have attributed the fall of Eastern Europe and the failure of its socialist 'democracies' to the fact that civil society was suppressed and that, without a vibrant civil society, real democracy could not thrive. This illustrates the confidence that people generally have in the power of civil society to influence government. Sachikonye (1995) asserts that the growth of civil society has been uneven both within and between countries, but that it has lately become more robust, active and organised across the world, in the pursuit of the interests of citizens. South Africa, for instance, has a fairly organised and effective civil society marked by organisations and movements of women, the landless, the labour force, and people living with HIV/AIDS. The situation in Swaziland is very different.

Nonetheless, civil society in Swaziland has a renewed appeal, as citizens appear to depend on it to participate actively in non-state institutions, as the necessary basis for participation in formal political institutions (Kuper and Kuper, 1999: 89). Mamdani (1996) counters the tendency to assume that in the democratisation process, political parties and state institutions become the sole actors and the guarantors of adequate representation of sections of society in the political process. He shows that they are neither, and that other entities, such as civil society formations, must contribute towards the process. Civil society institutions can and should furthermore play a key role in articulating the interests of under-represented sectors of society. In Swaziland, then, civil society has the potential to effectively represent the concerns of the people, but the political conditions are not conducive to this.

Even while performing this function, civil society also needs to guard its autonomy against the corporatist strategies of the state, especially when it receives financial support from it. CSOs need to maintain their independence and sovereignty in order to be able to monitor the state for any violations of human rights, nepotism and corruption.

### 2.8.1 NGO Contribution to Democracy

NGOs in Africa unlike their counterparts in Latin America, have not been directly involved in politics (Kuper and Kuper, 1999). Like their counterparts in sub-Saharan Africa, though, Swazi NGOs have been excluded from power by a lack of policy influence and opportunities to participate in higher-level decision-making (Michael, 2004: 51). Most African NGO's contribution to the promotion of democracy has been through supporting grassroots organisations with resources, training and information. During the last elections of 2003 in Swaziland, NGOs such as the Leadership Regional Network for Southern Africa (LeaRN), Women in Law and Development (WLSA), the Women's Resource Centre (WRC), World University Services (WUS) and Lutsango LwakaNgwane,<sup>44</sup> launched the first campaign ever to educate the Swazi people and to debate issues of elections and constitutionalism. In this way, NGOs have created practical schools of democracy from which members of grassroots organisations are able to follow democratic practices. (Buturo, undated).

### 2.8.2 The History of Civil Society and NGOs in Swaziland

In this paper, the term civil society refers to those parts of society that fall outside of government structures, such as charities, religious organisations, professional groups, trade unions, human rights groups. Civil society serves as a check against the excesses of government's human rights violations and abuse of the rule of law, and monitors applications of constitutional provisions.

Throughout developing countries, even before their independence from the relevant colonial powers, wealthy members of Swazi society tried to relieve the suffering of the underprivileged through organisations (Michael, 2005: 5), such as the Zondle's Women's Organisation<sup>45</sup> and the Malkerns Women's Institute in Swaziland. These developed further after Swaziland became

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<sup>44</sup> *Lutsango LwakaNgwane* (which translates to a "women's fortress") is a women's regiment in Swaziland named by King Sobhuza II. Its patron is the Queen Mother.

<sup>45</sup> *Zondle* means "feed yourself". This is a feeding scheme based in both Manzini and Mbabane

independent and broadened their aims to promote socio-economic development throughout the country.<sup>46</sup> Increasing poverty levels and other symptoms of underdevelopment have resulted in a proliferation of NGOs in Swaziland to fill in the gaps.<sup>47</sup> Over the years, some of these have survived, whereas others have been disbanded due to internal and/or external factors.

A 1912 law in Swaziland stipulates that NGOs will not seek profit.<sup>48</sup> Although NGOs are not registered under any section of Swaziland's domestic statute, their names and badges are protected under a 1969 statute. The *Draft National Policy on NGOs 2002* (which is not yet law) defines NGOs as legally formed autonomous organisations that possess non-profit status and whose primary motivation is to improve the well-being of the people. NGOs are service driven and serve in diverse ways, but they are all involved in that may relate to the development processes that promote social transformation and sustainable development. These organisations are established outside central government, for a public purpose and are not self-serving in their aims and interests. The income they generate and the property they own cannot be distributed to members or office bearers, except as reasonable compensation for services rendered.<sup>49</sup>

The Draft NGO Policy states that NGOs view development in terms of a participatory process of capacity building and empowerment of communities to improve their socio-economic situation and expand opportunities to make a sustainable livelihood. Their activities are carried out through service delivery, resource mobilisation, research and innovation, human resource development, public information, education and advocacy.

Many of them have worked in isolation for years, making civil society in Swaziland weak and fragmented and effectively compromising its ability to influence policy. The 1973 Decree severely undermined the development of a

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<sup>46</sup> Mohammed (1992), Therkilden and Semboja (1995), Van Rooyen (2000) and Shurke, cited in Michael, 2004: 119.

<sup>47</sup> The Contribution of Civil Society to Democracy and Development in Swaziland, 2003: 6.

<sup>48</sup> The Draft National Policy on NGOs, 2002: 3.

<sup>49</sup> *Ibid.*, p9.

vibrant civil society in the country. In fact, the constitutions of most NGOs declared that they were apolitical.<sup>50</sup> Most organisations consciously had to avoid political issues in order to survive. This created problems in addressing land disputes in rural areas, which are inherently political because of the ultimate involvement of chiefs and often times the king in such matters. The high dependency of the sector on external donors or government funding worsened this situation (Mzizi, 2002).

The 1990s saw the emergence of human rights and gender related organisations, with some NGOs becoming vocal on these topics. More NGOs thus joined the fray, resulting in many NGOs integrating lobbying and advocacy on human rights and gender issues into their programmes.<sup>51</sup>

Swaziland, unlike South Africa, lacks a strong CSO that can mobilise sustained pressure on the government for policy development. Mzizi (2002) points to limited civic education and few fora for public debate or criticism of the *status quo*.<sup>52</sup> Although the purpose of CSOs is to promote development, their poor organisation, lack of resources and control, means that they are weak and lack the capacity to contribute effectively to democracy, development and policy (Mzizi, 2002). In order to facilitate the coordination of NGO activities, maximise utilisation of resources, and reduce duplication and unhealthy competition, NGOs have formed various consortia according to their areas of focus. The most important of these are the HIV/AIDS, Gender and Food, Security and Development Consortia.

In terms of the approach of so-called 'welfare pluralism' a relationship existed between government and NGOs, where the latter would assist the former in delivering new public service programmes to society. Both groups saw themselves as working partners in service delivery and resource mobilisation in a pattern termed 'welfare pluralism', which was based on consensus and contract. Because all the challenges prevailing in the institutional ethic,

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<sup>50</sup> The Contribution of Civil Society to Democracy and Development in Swaziland, 2003: 6.

however, the relationship between NGOs and government changed. While the consensual and contractual relationship of welfare pluralism continued, the new approaches inevitably meant differences of policy and practice between some NGOs and government.<sup>53</sup>

The evolution of NGOs has bred a new kind of NGOs, some of which will challenge government directly and others indirectly as the world continues to change and meet with new challenges (Ball and Dunn, 1995: 17). NGOs have, though, maintained their status and most governments recognise that as long as NGOs operate within the law, their activities are legitimate, including those that can sometimes be discomforting for the government such as civic education (Ball and Dunn, 1995).

However, the growth of the NGO sector and the issue of achieving long-term sustainability pose a challenge to NGOs to adjust their administrative and logistic approaches to suit the dictates of the ever-changing environment.

The issue of subvention of NGOs has remained pertinent because of the realisation that, in the long term, Swaziland will be put under increasing pressure to finance its developmental activities through its own resources rather than relying on external donor support. Given this, care must be taken to ensure that maintaining the autonomy of NGOs and ensuring that grants, subsidies and subventions are available, does not amount to the dumping of public funds and the abdication of duty.

### **2.8.3 Civil Society's Contribution to Democracy in Swaziland**

As authorities continue to play for time in the constitution-making process, Swaziland faces a deteriorating state of governance marked by the government's persistent disregard for the rule of law. Court of Appeal judgments were blatantly flouted, and the judiciary was compromised through threats and demotion of judges. Lack of fiscal discipline and prioritisation showed in the purchase of a R70 million private jet for the king in the midst of

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<sup>53</sup> Non-Governmental Organisations: Guidelines for Good Policy and Practice – The Commonwealth Foundation, 1995: 15.



the drought and the devastating HIV/AIDS pandemic; as a result, the budget deficit grew to unprecedented levels.<sup>54</sup>

In 2003, presented with this grave scenario, CSOs for the first time in the country's history formed a coalition in order to engage with government. Members of this coalition included NGOs, trade unions, businesses and the churches.<sup>55</sup>

Through a declaration and a petition, the Coalition called for dialogue with government, as well as for a review of the decisions taken concerning court judgments and the purchase of the jet. The Coalition also called for the speedy finalisation of the Constitution and for Swaziland to entrench the separation of powers and guarantee people's freedoms.<sup>56</sup>

The establishment of this Coalition marked a turning point. Although the government refused to recognise the Coalition, it could not ignore its existence, and so it has been forced to negotiate with it. This formation has since strengthened the voice of non-state actors and created broader partnerships with business. Although it is still too early to judge its effectiveness, ordinary people look to this body to represent their interests in government.<sup>57</sup>

#### **2.8.4 Credibility of Civil Society with Government and the People of Swaziland**

Relationships between government and civil society organisations are complex in Swaziland. Any organisation, for instance, that challenges government policy is automatically perceived as the 'enemy' of the state and the state's position in turn influences the population. In fact any organisation that calls for a Constitutional monarch is viewed as an organisation that dislikes the monarch.<sup>58</sup>

<sup>54</sup> The Contribution of Civil Society to Democracy and Development in Swaziland June, 2003: 9.

<sup>55</sup> *Ibid.*, p.9.

<sup>56</sup> *Ibid.*, p.9.

<sup>57</sup> *Ibid.*, pp.9-10.

<sup>58</sup> *Ibid.*, p.10

On a more positive note, the government does collaborate with the different CSOs in the country especially on developmental issues, such as agriculture, education, health, social welfare and gender. Agricultural NGOs work closely with Extension Officers in the rural areas. Educational NGOs such as *Fundza* (meaning 'read' or 'learn') collaborate with teachers, head teachers, the National Curriculum Centre and National Libraries. The Ministry of Health and Social Welfare through its Rural Health Motivators collaborates with NGOs working on HIV/AIDS and other health issues. Save the Children and other welfare organisations work together with officials from the Social Welfare ministry. The formation of the Gender Consortium has made it easier for the Gender Unit under the Ministry of Home Affairs to coordinate gender issues in Swaziland. These good working relationships promote capacity building, skills transfer and enhancement by sharing and dissemination information between government and NGOs.

Although there is no legal framework that governs operations of NGOs in the country, they have been able to work cordially with government. NGOs, for example, work together with government in compiling progress reports on specific Conventions (Michael, 2004), e.g. the Convention on the Rights of the Child at international level and the SADC Gender and Development (GAD) Declaration at regional level. Accessing government funds, however, depends on the relationship forged between the government Ministry and a particular NGO.

Support is not only monetary but takes other forms too (Michael, 2004) such as the provision of infrastructure, for instance the housing of *Fundza* and SHAPE (Schools HIV and AIDS Programme and Education) at the Ministry of Education. This reduces rent and utility costs and furthermore impresses the donor community, who view this as a sign of government's commitment to advancing that sector. The WRC Gender Desk cooperates commendably with the government's own Gender Unit in co-funding and co-facilitating activities. Unfortunately, though, there are too few such cases of cooperation, and there is definitely room for improvement.

Sometimes the government distributes funds from donor agencies to various NGOs. International donor agencies have recently allocated funds to NGOs through government, a trend that is not necessarily workable in practice (Michael, 2004: 123). The UNDP, for example, requires NGOs to contact the government's Gender Unit in order to access their Gender and Human Rights funds.

## **2.9 Conclusion**

This chapter has explored the historical and socio-political context within which Swaziland's public policy is made, highlighting the long-standing problem of duality that haunts Swaziland's political arena. It illustrated how duality is crosscutting especially in the system of governance, and explored its implications for policy. The absence of a Constitution has proved a major drawback to promoting citizen participation in national and other issues.

The Swazi Electoral System was examined in light of the importance of elections as a form of citizen participation in electing representative to present their concerns through policy and legislation in parliament. The above section also explored state institutions, such as Parliament and its relationship with the government, especially insofar as Parliament lacks power and oversight.

The relationship between the state and civil society is a vital one; particular attention was thus paid to the role of civil society in promoting democracy and policy formulation. The chapter ended by looking at the history of NGOs in Swaziland and their contribution to democracy and policymaking. Although NGOs do have some space to conduct their work of influencing government's policies, there is room for improvement, particularly with regard to policy formulation.

## CHAPTER 3: POLICY MAKING PROCESSES IN SWAZILAND

### 3.1 Introduction

As a background to the policy-making process, this section of the study firstly describes the sources of policies and some of the institutions responsible for policy making. It goes on to explore in detail the initiation of a policy as an issue identified by a community. Swaziland does not have a long history of policy formulation and implementation. The study will show how Swaziland has formulated various policies, most of which have however not been adopted.

This chapter shows the absence of a mechanism that enables NGOs to participate in the policy-making processes of the country. The Coordinating Assembly of NGOs (CANGO) has the role of coordinating and facilitating participation of NGOs in these processes. A detailed narrative of the origins and functions of CANGO are presented here.

The chapter also explores current approaches and new trends in policy formulation in the country. As the focus of this study is on the participation of NGOs in policymaking, this chapter will examine both the theory and practice of such participation. It further investigates the existing relationship between NGOs and the Executive. Finally, the contribution of the donor community, which also influences policy, is highlighted.

### 3.2 Sources of Policy in Swaziland

Important documents to consider in terms of policy making are:

- the National Development Strategy (NDS) as the basis of government's long-term strategy, from which most policies are drawn, including the two policies specifically discussed herein, viz *SME Policy 2004* and the *Decentralisation Policy 2005*;

- the Economic and Social Reform Agenda (ESRA), a short-term rollout plan of government that is also drawn from the NDS;
- Development plans of the different ministries in the form of three-year rollout plans, ideally to be complemented by the Medium Term Expenditure Framework (MTEF)
- The Draft National Constitution is vital in terms of setting out government and governance structures and spelling out the importance of the separation of powers; it also addresses other political and economic policy issues;
- The National Budget shows government's policy priorities by the amounts allocated to the different ministries and departments;
- Acts of Law, such as the *Public Enterprise Monetary Act* in the case of SME regulation.

### **3.2.1 The Public Policy Coordinating Unit (PPCU)**

The government document that established the Public Policy Coordination Unit (PPCU) states that the creation of this unit was precipitated by the plunge in economic performance in the early 1990s. The budget went heavily into deficit and recurrent expenditures began to grow at a rate that could not be sustained. Other factors, including the rapid changes in the political and economic situation in the SADC region and the regional recession, destabilised both the economy and future development. In 1997, the government established the PPCU to improve the quality of policy advice available to Cabinet through the Office of the Prime Minister. The Unit was created to strengthen the Cabinet Secretariat. The Cabinet Secretariat is a small unit, responsible for the provision of policy advice, administration of Cabinet business, and monitoring the implementation of Cabinet decisions.

### **3.2.2 Tracing the Policy-Making Process in Swaziland**

There are two ways of processing a policy. One way is through private means, which is a process that operates outside of government and requires

funding from the movers. This type of bill is normally initiated by NGOs, for example in instances, of Child Abuse or Sexual Offences. The second method of processing policies may come from the requirements of international and regional organisations, such as the AU, the Economic Commission of Africa (ECA) or SADC.

Like most countries in the world, in Swaziland the government has the primary responsibility for formulating policy, and so initiates most policy documents. Depending on the so-called mover, other stakeholders beyond government may be involved.

A simplified model of policy development might run as follows: A group of people at community level identify an issue of critical concern to them, such as the high incidence of rape. This issue is then taken up with the Member of Parliament (MP) who has two options: The MP could take the matter directly to Parliament and present it in a question and answer session for the relevant minister (the Minister of Justice in this case) to explain the position on the issue or to explore the possibility of emerging with a policy or law. Alternatively, the MP could directly approach the minister in the relevant office and request that he or she take up the issue at cabinet level. This gives the minister the opportunity to bring bureaucrats and technicians to the table to address the topic. The ministry concerned will approach the Attorney General's (AG) Chambers with a brief or instruction on the desired policy. Following this, conferences will be held between the AG's office, the instructing ministry and any other interested parties for clarification. The AG's office will then draft the policy, and return it to the instructing ministry. Thereafter, the instructing ministry sends the draft to Cabinet. If it is not approved, it is returned to the AG's office for amendments. From there it is returned to the instructing ministry to check the requested amendments, where after it is again returned to Cabinet. At the end of this process, if Cabinet approves of the amended Draft, it becomes policy. However in the instance of a bill, it will be gazetted as a bill for thirty days, unless there is an element of urgency, in which case it will take a shorter period.

The bill is then taken to Parliament for debate in both houses (viz. the House of Assembly, and the Senate), with each incorporating their changes. However, if there are disagreements (as happened recently, for instance, during a debate on the equality clause in the Constitution and the provision on religion), a joint sitting of both houses is arranged. In the absence of any such disagreement, however, the Bill is then sent to the King for assent. However, if the King has any differing views, a joint sitting of both houses and the King will be arranged to address specific problem sections before it is signed.

The Speaker of Parliament, the President and the AG all have to write certificates that certify the changes that have been made to the draft. The document is then sent back to the AG, who incorporates these changes. The instructing ministry checks it once more, before returning it to the AG. After the King has signed the document, it is published as an Act of Parliament.<sup>59</sup>

### **3.2.3 Processing a Policy in Swaziland**

There are three ways of involvement in processing a policy in Swaziland. The first option is for a ministry to involve other government ministries working in the relevant sector. In the case of SME Policies, the following procedure might be followed. The Ministry of Enterprise and Employment (MEE), for example, would involve ministries dealing with income generation projects, credit, savings and loans. The ministry might, for instance, identify fourteen government ministries who all deal with certain aspects of SMEs. If this approach is used, an invitation would then be extended to the rest of civil society affected by the issue.

The second option is for the coordinating ministry to create sectors based on the different areas of concern within the broader issue concerned. In the process of formulating the Population Policy, for example, sectors such as Gender, Disabled, Environment, Youth, Agriculture and Health were

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<sup>59</sup> Information on the policy formulation process was obtained through an interview on 26 November 2004 with Senior Parliamentary Counsel -AG's Office: Mr. Sabelo Matsebula at the AG's offices in Mbabane.

established. Both the line ministries and other stakeholders coordinated these sectors jointly. The Director of Gender in the Gender Unit under the Ministry of Home Affairs, for instance, coordinated the Gender sector. The National Council on Population and Development Committee was then created to screen the contributions made by the different sectors to test their validity.

The third option of processing a policy is to secure the services of a consultant to write the policy. The Gender policy, which was formulated in 2000, was formulated in this manner.

In most instances, the inclination is for a ministry to consult related ministries and departments in that area to work with in formulating a policy. Participation is then extended to the rest of civil society or stakeholders, especially NGOs. For instance, if the Ministry of Health and Social Welfare needs to improve the HIV/AIDS Policy, it would consult the ministries of Agriculture, Education, Justice and Constitutional Affairs. NGOs such as FLAS<sup>60</sup>, SWAGAA<sup>61</sup>, SASO<sup>62</sup> TASC<sup>63</sup> and Baphalali Red Cross would also become involved. Similarly, the Ministry of Education in promoting the Policy on Libraries, will initially engage the National Curriculum Centre and Swaziland National Association of Libraries. Thereafter, it will approach organisations, such as the Swaziland Reading, Fundza and SHAPE.

However, the tendency is to involve specific ministries and departments more than other stakeholders. Primarily, this is because communication within ministries and line departments is much better, which makes it easier for them to communicate amongst themselves, than with 'outside' stakeholders.

There also seems to be a tendency to value communication and involvement of departments within a ministry. The involvement of other ministries and stakeholders is more a formality than because much value is attached to their contributions and inputs. When asked about other NGOs that did not

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<sup>60</sup> Family Life Association of Swaziland

<sup>61</sup> Swaziland Action Group Against Abuse

<sup>62</sup> Swaziland AIDS Support Organisation

<sup>63</sup> The information centre on AIDS Support and Counseling



participate in the SME Policy-making process, although they could theoretically have been involved, an official from the SME Unit said that 'the lack of participation of those organisations did not mean that the documents had any lesser value'.

Two factors make it difficult for an issue to be addressed in policy. One is that the steps within the process are not clearly set out. The second is to do with power struggles; powerful people have a stronger voice than community members have, and thus tend to hijack successful issues in order to get credit for them.

### **3.2.4 Trends in the Development of Public Policy in Swaziland**

Although Swaziland gained its independence in 1968, minimal work has been conducted around the development of policy. It was not until 1997 that government was spurred into establishing the PPCU to coordinate policy formulation. Prior to this, policy formulation occurred through the ministries.

Like the drafting of the most recent policies, the establishment of the PPCU is also guided by the NDS. In line with the vision of the NDS, the Unit acknowledges that public policy is the guide for government action, which allows the attainment of societal goals, embodying the future direction of government and its ultimate aims. As a coordinating unit, it states that all public policy in Swaziland should be in line with the sectoral strategies and goals of the NDS, as these strategies are intended to enable the country to achieve Vision 2022 of the NDS.<sup>64</sup>

At a forum held for Principal Secretaries in June 2002, a public policy template was drafted and circulated to serve as a guide for ministries when drafting public policy documents.<sup>65</sup> This template also serves as a guide for action to ensure that all the necessary information is included in a document and that

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<sup>64</sup> Draft copy of Public Policy and Cabinet Papers; A Guide for Ministries, 2004: 1.

<sup>65</sup> Information on the PPCU was also secured from an interview with the Director, Mr. Vincent Matsebula on 29 November 2004 at the PPCU offices in Mbabane.

all the structures are clearly set out. It is hoped that the use of a standard format for drafting public policy will result in greater efficiency.<sup>66</sup>

The main function of the PPCU, therefore, is to coordinate and harmonise the formulation of policy by the different ministries and thus to reduce duplication between ministries, maximise the use of resources and encourage cooperation between ministries in terms of policy formulation activities.

A further benefit of a standard format for public policy documents is that it provides a guide to the content and structure of a policy document for civil servants who are responsible for developing and managing public policy. Because portfolios and ministries do overlap in practice, though, collaborative policy formulation processes are necessary to facilitate cooperation. They will also result in policies that are structurally similar and therefore more likely to be implemented uniformly by civil servants throughout all levels of government. Lastly, policy review will be swifter if those reviewing the document are familiar with the standard format expected by government.

Since independence, Swaziland has drafted and adopted a number of policies, such as the Population Policy and the National Irrigation Policy, but it does not have a strong record with regard to the actual adoption or implementation of policies; a large number remain in draft form.<sup>67</sup> Policies outline visions, ideal outcomes, with clear identification of sectoral responsibilities, through specific goals and objectives. A clear legal framework with action plans permits the effective implementation of such policies. Once they have been adopted and implemented, the policies will also facilitate adherence to human rights. The long delayed action in adopting policies that have already been drafted, results in policies that are outdated when they are finally adopted. This is further exacerbated by the long delays in implementation of action plans and programmes.<sup>68</sup>

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<sup>66</sup> Draft copy of Public Policy and Cabinet Papers; A Guide for Ministries, 2004: 2.

<sup>67</sup> Common Country Assessment of Swaziland: Working Draft, 20 October 2004, United Nations Country Team, p.18.

<sup>68</sup> Common Country Assessment of Swaziland: Working Draft, 20 October 2004, United Nations Country Team, p.18.

### 3.2.5 The Swaziland Policy Framework

The inability of the government to formalise policies and translate them into action plans and programmes is clearly illustrated in this Table of outstanding policies awaiting adoption.<sup>69</sup>

<b>Policy</b>	<b>Purpose</b>	<b>Date Draft Completed</b>
The National Policy on Children, including Orphaned and Vulnerable Children	To provide policy guidelines to ensure that appropriate interventions are put in place to adequately care for and protect children	2003
Land Policy	To provide guidance on land tenure including the usage of Swazi National Land to include a possible lease agreement	1999
National Disaster Policy	To coordinate all disaster related activities in the country, particularly mitigating against drought	1999
Draft NGO Policy	To guide operation of NGOs	2002
Health and Social Welfare Policy	To address health and social welfare issues	2001
National Gender Policy	To eliminate existing gender discrepancies with sectoral policy guidelines	2001
Agriculture Policy	To give guidance to priorities in agricultural interventions	2004
Reproductive Health Policy	To provide guidelines for implementation of sexual and reproductive health activities	2002
National Draft Irrigation Policy	To provide direction in the irrigation sub-sector	2005
Resettlement Policy	To establish a durable, practical and	2003

<sup>69</sup> Common Country Assessment of Swaziland: Working Draft, 20 October 2004, United Nations Country Team, p.18.

	participatory framework for planning and sustainable management of land	
Local Government Reform and Decentralisation Policy	To initiate the decentralisation process of local government by harmonizing the dual system of governance	2005

United Nations Country Team: Common Country Assessment of Swaziland: Working Draft (2004:18),

### **3.2.6 The Contribution of the International Community to Policy Making in Swaziland**

In Swaziland, the international community is confined to a few embassies and various UN agencies.<sup>70</sup> Some donor agencies have closed shop and relocated to other countries because of the alleged poor human rights record of Swaziland. Organisations such as the Canada Fund and the British Council have also left the country. On several occasions, the European Union (EU) has threatened to withhold financial assistance to Swaziland, if it does not ratify some of the important international instruments, such as the Convention to Eradicate all forms of Discrimination Against Women (CEDAW) (which was finally furtively ratified mid-2004). The EU also used to contribute towards the country's constitution-making process, but ultimately ceased doing so, noting that it was a never-ending process.

The few agencies remaining in the country do not directly participate in the policy-making process, although they do contribute in different ways. As the international and donor agencies strive to maintain civil diplomatic relationships with the government, they do not want to be seen as antagonising the state, yet they can play an important role in the country. The Press and Public Affairs Officer at the British High Commission said that the Commission has compiled country assessment reports that could contribute towards policy formulation, but this kind of information is embargoed.<sup>71</sup> The EU supports three different programmes in the African, Caribbean and Pacific countries including Swaziland. One of the programmes

<sup>70</sup> UNFPA, UNDP and USAIDS

<sup>71</sup> Interview held on 26 November 2004 at the British High Commission offices in Mbabane

is on Good Governance, but this portfolio is handled at the head office overseas therefore issues of governance are not addressed locally. A representative of the EU, which financed the formulation of the SME policy, during an interview discussed how limited their role is with regard to policy formulation.<sup>72</sup>

Although the Commonwealth has no offices in Swaziland, it has played a vital role in the politics of the country. In 2003, it was called in to observe the elections, which it did, and to compile a report in that regard. Faced with the continuous disregard of the rule of law in Swaziland and the still pending constitution-making process, the Commonwealth was again called upon to scrutinise the Constitution. This was initiated through the International Bar Association (IBA), which compiled a report with specific recommendations to the government of Swaziland.

Like other agencies, the American Embassy has not directly participated in the policy formulation process in Swaziland, but it has made no secret of its opinion that the country should democratise and protect people's rights. On many occasions, the American Embassy has sponsored workshops and conferences on human rights. It has also censured government for flouting court judgments and generally disregarding the rule of law.

The UNDP has contributed towards policy making, especially since 2000 onwards, after having changed its focus to Upstream Policy Advisory Services.<sup>73</sup> Financial and technical contributions have varied from economic development to human rights and good governance.

- The UNDP has contributed towards the formulation of the NDS.
- The UNDP has played a vital role in the codification of Swazi Law and Custom; its objective was to create certainty and reduce conflict within the dual legal system and system of governance.

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<sup>72</sup> Interview held on 26 November 2004 at the EU offices in Mbabane

<sup>73</sup> This emerged from an interview with the UNDP Assistant Resident Representative on 1 February 2005 at the UNDP offices in Mbabane.

- The Gender Policy initiative that started in 2000 obtained UNDP funding and technical support.
- The UNDP and the FAO supported the formulation of the Agriculture Policy.
- The HIV/AIDS Policy attracted the support of the UNDP.
- The United Nations Population Fund (UNFPA), a country team member, supported the Population Policy.
- The UNDP contributes through a forum called the Swaziland Human Development Forum drawn from a wide range of institutions.<sup>74</sup> This Forum, formed in 2000, presents an opportunity to debate, share and disseminate information on current policy issues.
- The UNDP office has provided both financial and technical support for the Decentralisation Policy 2005.
- The UNDP has also contributed towards the second phase of the constitution-making process. The resulting Draft Constitution will have a great influence on steering policy in Swaziland.

The UNDP also collaborates with the rest of the UN Country Team towards policy. An officer from the United Nations Children Fund (UNICEF) described how UNICEF contributes towards directing policy through the so-called Common Country Assessments. Other ways of contributing are usually through National Action Plans such as the one for 2001. UNICEF further contributes through strategies mentioned in documents like the Poverty Reduction Strategy Plan. Relevant international instruments entered into by Swaziland also receive support from UNICEF, which takes them up at policy level. Lastly, UNICEF supports the development of guidelines for Protocols to which Swaziland is party.

The UNICEF officer mentioned flaws in policy making, noting the weaknesses existing in institutional arrangements and management. She stated that there was a lack of capacity to strengthen these institutional arrangements. Further,

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<sup>74</sup> These include the following: The Law Society of Swaziland, CANGO, SNAT, University of Swaziland (UNISWA), Federation of Swaziland Employers, Trade Unions, Swaziland Medical and Dental Association, Swaziland Federation of Labour, National Poverty Reduction Task Force.

there is a lack of information and what information there is, tends to be fragmented. The lack of a database creates problems, and the centre of government is generally weak.

### **3.3 NGO's Relationship with the Executive**

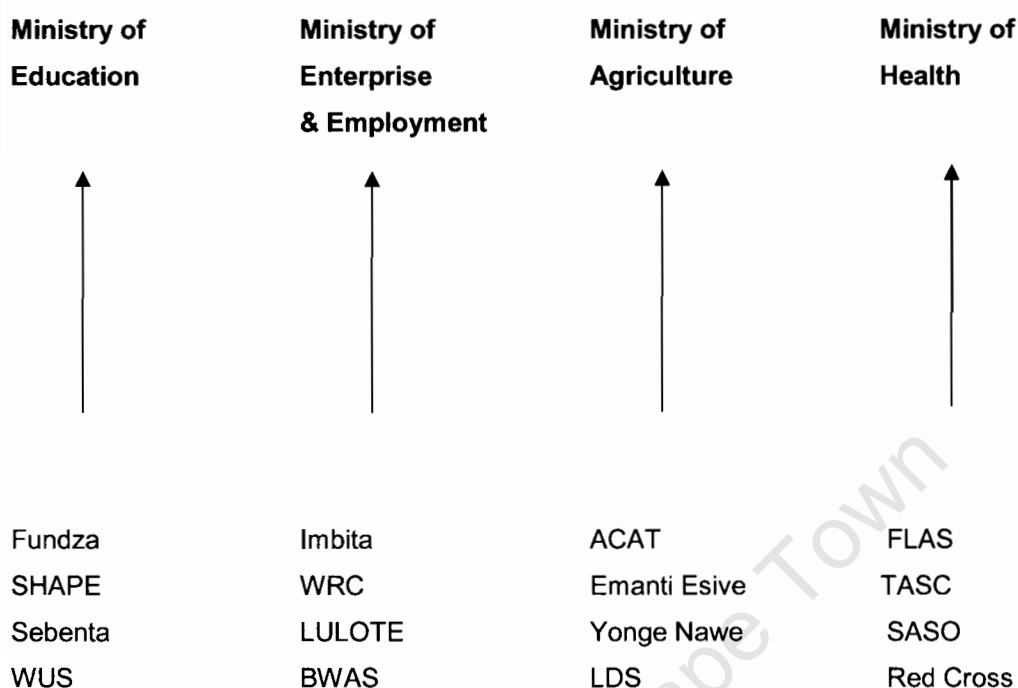
The ideal relationship between NGOs and the Executive is described in the *Draft National Policy on NGOs 2002*. This addresses important issues, such as the unstructured system of subventions to NGOs, and the lack of policy guidelines, reporting, monitoring and evaluation requirements, which lead to mistrust between government and NGOs.<sup>75</sup> The draft policy identifies the problem of defining an NGO, and sets out the proper guidelines necessary for governing registration and regulation of NGOs. This has resulted in a loss of credibility of the NGO sector among the public and a lack of official recognition by government. The absence of a formal relationship between NGOs and government has also meant that there is no official mechanism in terms of which NGOs and government can communicate with each other.<sup>76</sup>

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<sup>75</sup> Draft National Policy on NGOs, 2002: 4.

<sup>76</sup> *Ibid.*, p5.

*Diagram 5: NGO's Relationship with the Executive*



**Acronyms:**

ACAT	Africa Cooperative Action Trust
BWAS	Business Women's Association of Swaziland
FLAS	Family Life Association of Swaziland
LDS	Lutheran Development Services
LULOTE	Luhlelo Lolunotsisa Temabhizinisi
TASC	The AIDS information and Support Centre
SASO	Swaziland AIDS Support Organisation
SHAPE	Schools HIV and AIDS Programme and Education
WRC	Women's Resource Centre
WUS	World University Services

**Glossary:**

Emanti Esive	national water services
Fundza	read or learn (depending on context used)
Imbita	pot
Sebenta	work
Yonge Nawe	you can conserve it too



### 3.4 The Role of CANGO in facilitating NGO Participation in Policy Making

The Coordinating Assembly of NGOs (CANGO) is the umbrella body of NGOs in Swaziland. It was originally founded in 1983 as a coordinating secretariat for NGOs in the promotion of primary health care. It had been established in response to an appeal from the Ministry of Health for better coordination of Primary Health Care activities, in pursuit of the universal goal of Health for All by the year 2000.

To enable it to encompass all development NGOs, its Constitution was amended in 1987, making it a *bona fide* national umbrella body for all NGOs. CANGO currently has a paid-up membership of fifty-four and another almost twenty non-paying adherents. With the increased demands by member NGOs, its tasks have also grown.

The Annual General Meeting (AGM) is the highest policy-making body of CANGO. The AGM elects the governing board, drawn from the NGO membership, on a rotational basis. The Board provides oversight for the Secretariat. A Director with a team of seven staff members heads the Secretariat. The Secretariat is based in Mbabane, the capital city of Swaziland. The organisation receives its main institutional support from donor agencies, member subscriptions and management of projects. DFID and the Bristol Myers Squibb Foundation currently fund the organisation. It also generates its own income through project management, rental of property and services to members.<sup>77</sup>

The vision of CANGO is the “People of Swaziland taking charge of their lives in an environment devoid of poverty, disease, discrimination and socio-economic instability”. The mission statement states that:

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<sup>77</sup> Information sourced from responses in a questionnaire electronically administered to and received from the Director of CANGO on 28 February 2005.

- “CANGO seeks to be a common NGO voice and resource for serving the people of Swaziland and representing the concerns of the poor, disadvantaged, and marginalised.
- CANGO endeavours to be tolerant of diverse views, to be transparent and accountable to CANGO stakeholders, including communities, in promoting social justice for all.”

The objectives of CANGO are:

- To provide a forum to facilitate capacity building and dialogue for identifying issues of concern affecting the poor, disadvantaged, marginalised and the NGO sector, and for exploring the approaches and means for addressing these issues.
- To encourage and promote a culture of tolerance, transparency and accountability in accordance with internationally accepted protocols on human rights and the dignity of humankind.
- To maintain a formal consultative body that will endeavour to promote member organisations' interests and mandates.
- To serve as a facility for receiving, processing and sharing information of benefit to CANGO stakeholders, including communities.
- To engage, advocate and lobby decision makers, government and cooperating partners for the concerns of its constituencies.

Key programmes include the *Umchumanisi* or Civil Society Support Project, an initiative to influence a pro-poor policy environment in the country and to foster accountability of service providers to the poor. This is in recognition that poverty is a multidimensional phenomenon and therefore requires the adoption of a multi-pronged strategy. Through poverty dialogues, research, electronic and print media, the organisation endeavours to ensure that the voices of the poor inform policy.

Through NGO networking, organisations are classified into various consortia, which make it more manageable for CANGO to facilitate coordination of NGO

activities. Networking enhances exchange of relevant information, experience and, to some extent, of the meagre available resources.

Members have access to the onsite CANGO library. CANGO monitors and evaluates projects, promotes organisational development and information dissemination. More importantly, CANGO acts as a conduit for disbursing funds to members on behalf of donors and coordinates projects under the auspices of the consortia. The organisation influences public policy by representing NGOs in various fora involved in policy formulation. By forming partnerships with regional and international organisations, links are created to advance the course for member NGOs.

CANGO raised the profile of gender issues within NGOs and government and established a gender desk, which was later transferred to the Ministry of Home Affairs. CANGO has played a key role in sensitising civil society, the poor, government and the private sector on the growing poverty in the country. For these reasons, it has credibility with both government and donors.

Recruiting and maintaining skilled personnel is one of the challenges faced by CANGO in the face of shrinking funding destined for Swaziland. The lack of legislation hampers progress, as does the lack of research capacity. Lack of capacity of civil society to influence the policy environment and the lack of capacity to analyse the dimensions of poverty also remain challenges to the organisation.

CANGO is expected to articulate and attend to the aspirations and issues of individual members at the same time as interpreting government policy. The organisation is also mandated to provide a collective voice in terms of public engagement on policy issues, to build the capacity of affiliates to deliver quality services, and to engage policy makers on issues affecting beneficiaries. In 2001, CANGO adopted a strategic shift to address poverty alleviation. This placed it in a better position to extend an invitation to member NGOs to participate in the SME Policy-making process.

The MEE, in a bid to involve all stakeholders, requested CANGO to invite NGOs in the SME policy-making process. The Director of CANGO said that in the absence of an enabling instrument for participating in the process, selection was premised on the specialty of NGOs. Thus, the NGOs identified were the Business Women's Association of Swaziland (BWAS), Women's Resource Centre (WRC), Luhlelo Lolunotsisa Temabhizinisi (LULOTE): the Business Management Enterprise Programme (BMEP) and Imbita Swaziland Women's Finance Trust.

### 3.5 Conclusion

There are various sources of policy in Swaziland. Government is the main source of policy formulation. The PPCU, for instance, has been established to coordinate policy making in the country; however, it needs much strengthening. Swaziland has no enabling instrument for NGOs to participate in policy-making processes. Nonetheless NGOs and government have a cordial working relationship, which extends to policy formulation. NGOs only participate in policy formulation when invited by government to do so.

CANGO plays two important roles in policy participation. Firstly, it represents NGOs in policy-making processes and, secondly, it facilitates the direct participation of NGOs in policy formulation. This critical role needs to be strengthened and improved by, *inter alia*, adopting the Draft NGO Policy. This policy will create an enabling instrument and present clear communication channels with government. The international community contributes towards policy formulation through research and programmes.

Tremendous work remains to be done around policy issues and policy formulation in Swaziland. The greatest challenge is adoption of policies and translating them into practical programmes for implementation so that they can actually benefit the people for whom they were formulated.

## **CHAPTER 4: PARTICIPATION OF NGOs IN THE DRAFT SMALL AND MEDIUM ENTERPRISES (SME) POLICY 2004: A CASE STUDY**

### **4.1 Introduction**

This section presents the policy-making process in Swaziland through an exploration of group theories and interest groups that illustrates which ones are relevant to Swaziland and which ones specifically illuminate the recently formulated SME policy. Various stakeholders participated in the formulation of this policy. The chapter presents donor practices and attitudes to SMEs. It focuses on the formulation of the SME Policy with special attention on participation of NGOs. The coordinating role of CANGO in this policy-making process will be examined. A framework on participation that has been developed by the GTZ will be used in this chapter to ascertain the extent to which NGOs have effectively participated in the SME policy formulation process. Group theories will be used as a tool for analysing participation of interest groups in policy-making processes.

The idea of participation here is linked to group theories and interest groups as they participate in policy formulation. This chapter looks at how interest groups such as NGOs influence the political agenda.

In order to ascertain the extent to which NGOs in Swaziland participate in the policy-making process a case study was conducted. A detailed presentation of the study is made here pointing to the tensions and contradictions involved in a policy-making process.

### **4.2 Group Theories**

The idea of participation should be understood within a conceptual framework guided by a theory. Participation means being involved in an activity by way of making a contribution or providing input that will be taken into consideration

in the end product of the activity. Public participation, therefore, is the involvement of citizens in searching for information about how decisions related to public issues are taken. In this case, participation would mean their involvement in the policy-making process by way of making contributions to be taken into consideration when a policy is ultimately formulated and adopted.

Cvetkovich and Earle (1994: 164) as quoted in Venter (2001) describe various forms of participation, such as petitioning, surveys, and peaceful and violent protests as forms of direct action. They mention a limitation of public participation, which is that the mere act of participation normally satisfies people and makes them believe that justice has been done. In this sense, people are given a 'voice' and they have an opportunity to express their opinions on matters that affect them. Referring to Sampson, Cvetkovich and Earle (1994: 174) argue that the problem with this 'accommodative voice' is that power relations are left unchanged.

In Swaziland, people are able to express their views, although they are nonetheless disregarded because those in power still have the last word. In fact, those in power have continued to use this approach for many years, so that their domination is not manifested in extreme violence and deaths, which would attract the outrage of the international community.

The key to public satisfaction is the giving of a 'transformational voice', which enables people to affect outcomes as well as to express opinions Cvetkovich and Earle (1994: 174). The type of voice that people have should make leaders sit up and listen and effect change. Civil society's aim is to have such a powerful and effective 'transformational voice'.

The importance of meaningful public participation also comes to the fore in Venter (2001) citing Manzer's (1984: 577) distinction between policy rationality and substantive rationality. In the former, policies are assessed using the criteria of effectiveness and efficiency, while the latter entails a strong focus on both legitimacy and responsiveness to questions of justice.

Manzer (1984: 578) stresses the importance of both criteria for the evaluation of policy.

#### 4.2.1 Interest Groups

Interest groups provide a mechanism for people to participate in political processes. There is strength in numbers; therefore, acting in a group with common goals around one or more issues reaps more benefits than does acting individually.

Elitism, Pluralism, Marxism and Corporatism are different theoretical approaches to how the state relates to other important actors in the policy-making processes. Elitists stress the power exercised by a small number of organised societal interests and the ability they have to achieve their goals. Anderson (1997: 19), using Dye and Zeigler's "irony of democracy", briefly summarises the key principles of elite theory thus: society is divided into elite classes drawn from the higher socio-economic ranks that have power – and the masses that are excluded from power. The elite have relative consensus on the values, which they society to be guided by, and public policy reflects this consensus. Elitists do not consider the demands of the masses, which are viewed as relatively apathetic and powerless. Because of the elite's stake in retaining the *status quo*, policy changes are generally incremental rather than dramatic.

The Elitist approach contrasts with the Pluralist approach by maintaining that political power is concentrated in the hands of the minority of the population. Swaziland can be described as elitist because the power is concentrated in the Dlamini clan or aristocracy and those they choose to be part of this privileged group.

The Pluralist approach acknowledges that various groups in society have different levels of power, and that power is fragmented and diffused (Ham and Hill, 1984). Despite such power inequalities, no group is completely powerless; money, expertise, professionalism and information are widely

distributed, so that no one source is dominant. They state that what a group achieves depends on its resources and “decibel rating”. The emphasis here is on the constraints placed on the state by a wide range of groups and on the fact that public policy is largely a reflection of the preferences of these groups, NGOs included.

Marxists point to the influence of economic interests on political action and see the state as an important means of maintaining the dominance of particular social classes. The Marxist view is that those who own the means of production will have the most power and will therefore have particular influence on the state to the extent that, in the Communist Manifesto, it is stated “The Executive of the modern day state is but a committee for managing the affairs of the whole bourgeoisie”. It only serves the interests of the bourgeoisie and as such acts as an ‘instrument’ for this dominant class.

Corporatism, in contrast, is a system in which the state allies itself with the interests of powerful private and public groups. In Ham and Hill, (1984) Middlemass states that the intention of this group is to include major interest groups in the governing process, rather than subordinating them. He says the effect of such incorporation is to maintain harmony and avoid conflict by permitting these groups to share power. As such, corporatist political structures function mainly in relation to economic policy making and not to other areas of state activity. The classical case is that of South Africa with its tripartite alliance between the South African Communist Party (SACP), the Congress of South African Trade Unions (COSATU) and the African National Congress (ANC). This relationship extends to the business community, including the National Economic Development and Labour Council, the South African Chamber of Business and the National African Chamber of Commerce. This, though, does not mean that any economic class or group controls the state; rather, it plays an independent role in its relationship with labour and capital.

On another note, Corporatist bargains draw on the knowledge and resources of social institutions rather than setting them against each other. An example is the incorporation of recognised NGOs such as the Institute for Democracy



in South Africa (IDASA) and the Electoral Institute of South Africa (EISA) for research, consultation and implementation of government policy.

Interest groups are important for a healthy democracy. By its very meaning, an 'interest' group represents the wishes of a segment of the people, to which government ought to respond. Interest groups facilitate participation and thus form links between citizens and government in democratic states. Although they are also known as pressure groups, their primary function is to promote given interests as fundamental to their existence as opposed to simply putting pressure on government (Venter. 2001: 299).

In Venter (2001), Almond and Powell (1996: 75-79) classify interest groups into four types: associational, institutional, non-associational and anomic interest groups. NGOs can be categorised as associational interest groups.

The most common strategy used by interest groups to influence policy is through lobbying. Lobbying comprises the "stimulation and transmission of a communication, by someone other than a citizen acting on her or his own behalf directed to a governmental decision-maker with the hope of influencing her or his decision" (Milbrath, 1968: 442).

In addition to being lobbied directly, government can also be lobbied indirectly through mass media and public opinion. Lobbying can also be directed at the executive and the legislative levels. Lobbyists choose whom to target depending on their own legitimacy, the demand made and the person they think would be most cooperative (Venter, 2001). The stage reached in the decision process and the form of government or state, are also important factors.

According to Etzioni (1982: 53-55 as quoted in Venter (2001), although interest groups are vital in a modern democracy, they can both promote and obstruct democracy. Interest groups provide a major source of mediation between government and the individual; they create opportunities for participation; they educate government by passing on information, facts and opinions for policy formulation; they act as important checks on the power of

the state, and they stabilise society by providing citizens with a 'safety valve'. Nonetheless, they can be a threat to democracy if they are more concerned with their own vested interests. Rich influential groups with links to political parties thus threaten democratic principles. Moreover, interest groups may themselves be internally undemocratic, meaning that the views of their leaders do not necessarily reflect those of their members. In the following sections, Swaziland's recent SME Policy is explored through the lenses provided by these different theories of state-society relations.

#### **4.3 Rationale for selecting the SME Policy for Study**

Swaziland has drafted various policies, and one of these, the *Draft Small and Medium Enterprises (SME) Policy 2004* was selected for detailed assessment. This policy is inspired and driven by the National Development Strategy (NDS), the Economic and Social Reform Agenda (ESRA) and the Millennium Action Plan. The rationale for selecting this particular policy is that SMEs present job creation opportunities and economic empowerment, thus significantly contributing towards the alleviation of poverty and promoting development. The SME sector in Swaziland ranges from rural women working on their own in a limited part-time capacity through to successful Swazi entrepreneurs with influence throughout the region and beyond.<sup>78</sup>

Women seeking to earn an income to maintain their families run the majority of small businesses. Even though these business ventures are small, they do contribute towards the advancement of the country's economy. It is also through the SME Policy-making process that the SME Unit was created.

The SME sector is also important for Swaziland because it provides a means for the Swazi nation to own a large percentage of the economy and because it enables a larger manufacturing base to be established in the country.

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<sup>78</sup> Draft SME Policy, 2004: 10.

Moreover, SMEs mean more of the wealth generated in Swaziland remains within the country.<sup>79</sup>

In the past, the head of state established economic empowerment funds, such as the Enterprise Trust Fund (1995, capital R44 million), and the Small Scale Enterprise Loan Guarantee Scheme (1990, capital R5 million). In addition, there are also the Tinkhundla Development Fund for the 55 constituencies, as well as the Regional Development Fund of R40 million (with each region allocated R10 million), to be shared amongst the 55 constituencies.<sup>80</sup>

Many players and key stakeholders have voiced concerns that, in spite of all these efforts, small businesses rarely benefit, as interventions have been unsystematic.<sup>81</sup> This is the reason why it is essential to have a decentralisation policy and a fiscal policy to monitor and evaluate the use of such funds.

#### **4.3.1 Donor Practices and Attitudes towards SMEs**

NGOs contributing towards the alleviation of poverty in Swaziland through economic development interface with the international community mainly through funding and technical assistance support schemes. In Swaziland, the general sentiment is that funds for micro-projects, community cooperatives and SMEs are readily available from the EU, the United States, the Republic of China and others.<sup>82</sup> Donor organisations, however, are faced with the problem of non-accountability and poor governance on the part of NGOs, as there is not adequate pressure on micro finance Institutions and NGOs to perform. Only in the case of severe non-execution of their activities might donors enforce some discipline on the recipients of funding.<sup>83</sup>

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<sup>79</sup> Draft SME Policy, 2004: 11.

<sup>80</sup> Imbita Swaziland Women's Finance Trust 2003-2005 Business Plan.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

As a result, donors are adopting a new strategy of uniform, private, market oriented approaches and policies in supporting institutions that focus on economic development.<sup>84</sup> They are also working in consortia and adopting standard terms and conditions such as objectives, outreach, profitability and investor credibility, to determine the direction of their assistance and to implement accountability. This new approach is a shift from granting to lending and investing.<sup>85</sup>

#### **4.3.2 Regulatory Factors**

The SME sector has already suffered from severe policy neglect, and the policies that currently govern it are still insignificant and fragmented, especially when compared to the wide range of support and services available to the formal sector.<sup>86</sup> Informal sector participants within the SME, for example, often complain of being routinely removed from their business locations, their goods being confiscated, receiving frequent demands for bribes, being detained and experiencing other forms of harassment.<sup>87</sup>

#### **4.4 Overview of the SME Policy**

In Kalu (2004), Mukum Mbaku studies the role of the state in macroeconomic performance and development in Africa. He concludes that transition to democratic governance in Africa will not improve public policy making until each African state puts in place infrastructures that guarantee economic freedoms and thus maximise entrepreneurial effort and wealth creation. Governments have to provide the people with structures that promote peaceful coexistence and that reconstruct the post- independence state in ways that create a protective and productive state.

The Draft SME Policy document states that the absence of a coherent national policy has contributed to a lack of clarity with regard to the role and

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<sup>84</sup> Imbita Swaziland Women's Finance Trust 2003-2005 Business Plan. p.11.

<sup>85</sup> *Ibid.*, p11.

<sup>86</sup> *Ibid.*, p11.

<sup>87</sup> *Ibid.*, p11.

responsibility of various government agents and a lack of coordination between ministries.<sup>88</sup> Government efforts to review the progress and performance of the SME sector have been thwarted by this lack of a coherent policy. A regulatory mechanism for the micro-finance sector still has to be put in place to address this issue.

The Swazi people have a history of missed opportunities in economic empowerment. While independence brought Swaziland political autonomy, thus far there had been inadequate economic self-reliance, as the Swazi people have had minimal ownership of their own economy. Thus there has been a need to provide greater opportunities for the economic advancement of the Swazi nation through promotion of the SME Sector.<sup>89</sup>

The policy document acknowledges the limited participation and decision-making by local stakeholders, and commits the MEE to clarify government's role in support of indigenous entrepreneurs. There is also a commitment for improved coordination and a framework that will provide a more systematic government approach for the sector. This policy also seeks to promote a 'joined up' government where there will be linkages both within and outside of government. This is because most of ministries were found to play a role in SME development, as shown in a study of Ministry and Government Agency Support<sup>90</sup> in respect of SMEs in Swaziland.

#### **4.4.1 The SME Policy Formulation Process**

The objective of the policy is to involve as many Swazis as possible in real opportunities in small businesses.<sup>91</sup> The policy marks a new direction and a change of emphasis by government, which will henceforth facilitate and encourage the growth of the sector rather than driving it through direct intervention from central government.<sup>92</sup>

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<sup>88</sup> Draft SME Policy, 2004: 17.

<sup>89</sup> *Ibid.*, p7.

<sup>90</sup> Study of Ministry and Government Agency Support for SMEs: SME Unit, 2002.

<sup>91</sup> *Ibid.*, p10.

<sup>92</sup> Draft SME Policy, 2004: 10.

The national policy on SMEs sets out the vision, intention and strategy of the kingdom of Swaziland with regard to SME development. The aim of the policy is to increase economic empowerment and ownership. It is also aimed at addressing deprivation and poverty, increasing economic empowerment, and adjusting economic disparities through increased wealth creation.<sup>93</sup>

The SME Unit itself was established in April 2001 and is located within the MEE. The MEE, which has steered this process, has pledged responsibility for refining the policy, its implementation, management and monitoring.

High levels of unemployment and the low economic performance of the Small Medium Micro Enterprises (SMME) sector has forced the Swazi government to formulate a policy framework that is intended to enable the sector to contribute to the national economy. Not only would this encourage foreign investment, but it would also address the continuing discrepancy between economic growth and the population growth rate.

In 1996, the Swaziland Government, represented by the MEE<sup>94</sup>, requested United Nations Industrial Development Organisation (UNIDO) to undertake a project to assist in developing an SME Strategy. It was to be formulated and controlled by stakeholders. The overall objective was “to provide a policy framework for the creation of an enabling environment for the development of sustainable small enterprises and to coordinate the organisations involved in small business development for optimal contribution to national economic growth.”<sup>95</sup>

Stakeholders identified three policy areas to be addressed in the SME Strategy in order to achieve this overall objective:

- Creation of an enabling environment for the growth of SMEs generally through a policy framework, incorporating appropriate legislative or regulatory and infrastructural measures;

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<sup>93</sup> Draft SME Policy, 2004: 7.

<sup>94</sup> In 1996, the MEE was known as the Ministry of Commerce and Industry.

<sup>95</sup> Task Force Report on Economic Empowerment of Small Medium and Micro Enterprises, 1997: 3.

- Measures supporting the creation of new SMEs, especially in the rural areas where they are presently few and far between; and
- Measures supporting the strengthening and diversification of existing SMEs.<sup>96</sup>

The formulation process included an analysis of the socio-economic environment of Swazi SMEs, based on the UNIDO consultants' review of the evidence, both in prior studies and through field observation. The diagnosis paper was to be circulated among the stakeholders, leading to consultative workshops and meetings, bringing them together in order to arrive at collated policies, programmes and action plans, which would be integrated and combined to form the National SME Strategy.<sup>97</sup>

The SMME Task Force came about as a result of a merger between the SMME Task Force of the same name, also known at the time as the Prime Minister's Task Force (established in 1996 by the then Prime Minister Dr Barnabas Dlamini) and the National SME Forum.<sup>98</sup> The Prime Minister's Task Team was a product of the ESRA, which was a short-term strategy derived from the longer-term strategy, the NDS. NGOs, such as LULOTE, the Imbita Swaziland Women's Financial Trust Fund and BWAS were members of both the Prime Minister's Task Force and the National SME Forum. The National SME Forum had a provisional steering committee that acted as a liaison with government.

At a joint meeting between the Prime Minister's Task Force and the National SME Forum, it was decided that the former be co-opted by the Steering Committee of the National SME Forum to work towards the production of the SMME Task Force Report, and that the National SME Strategy be the foundation for the policy framework. This new body was called the National SME Task Force.<sup>99</sup>

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<sup>96</sup> National Small and Medium Enterprise (SME) Strategy, 1997: 4.

<sup>97</sup> National Small and Medium Enterprise (SME) Strategy, 1997: 1.

<sup>98</sup> SMME is a term originally used to refer to Small Medium and Micro Enterprises now called the SME ( Small Medium Enterprises)

<sup>99</sup> Task Force Report on Economic Empowerment of SMEs, 1997: 2.

The report of the National SME Strategy raised important policy issues, including:

- The integration of entrepreneurial skills into the school curriculum;
- Greater flexibility in the retirement age for early retirement without loss of benefits
- Allocation of Swazi National Land for business purposes;
- Revision of the Marriage Act 1964;
- establishment of a small claims mechanism;
- creation of one-stop shops; greater use of business incentives; and most importantly
- a coordination mechanism for SME promotion.<sup>100</sup>

The report also listed business opportunities in the SME sector, such as making good use of the database of business profiles at the Trade and Promotion Unit (TPU); leasing idle government farms with good infrastructure and business facilities to SMEs who cannot afford to develop such facilities; and licensing small mining operations for mines that have been abandoned by large mining companies, and subcontracting by government.<sup>101</sup>

In January 2001, a role clarity workshop was held specifically for members of the committee of the National Forum for Small Enterprises. By May 2002, a sufficiently wide variety of stakeholders were interested in policy formulation to conduct a seminar of fifty-two delegates in Nhlangano. Subsequently, individual discussions were entered into with interested parties over a variety of issues.

Much discussion had occurred by June 2002, and there was consensus on the need to clarify the relationship between government and the SME sector.<sup>102</sup> A study to identify the role of ministries and parastatals in small business was commissioned. A series of forty-seven meetings was held with

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<sup>100</sup> National Small and Medium Enterprise (SME) Strategy, 1997.

<sup>101</sup> *Ibid.*

<sup>102</sup> Draft SME Policy, 2004: 14.



representatives from government and parastatals. By August 2002, it was felt that enough consultation had occurred and that enough information had been collected to produce an initial draft policy statement. During the policy drafting stage, and after the document had been refined, it was circulated for comment to several institutions and individuals. A final workshop was held in 2004 to incorporate all inputs received during 2003/04. The document states that further comments remain welcome. The policy is now before Cabinet, awaiting approval. A summary of the SME Policy Formulation Process is illustrated below.

<b>Date</b>	<b>Activity</b>	<b>Actors</b>
1991	GEMINI report emphasises importance of the SME sector in Swaziland	GEMINI DIA Inc. Bethesda, Maryland, USA,
1996	<ul style="list-style-type: none"> <li>• Formulation of the National Development Strategy (NDS) and the Economic and Social Reform Agenda (ESRA)</li> <li>• Government commissions UNIDO to design an SME Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Prime Minister and stakeholders</li> <li>• Ministry of Enterprise and Employment</li> </ul>
1997	Comprehensive needs assessment of the SME sector is undertaken	UNIDO
1997	<ul style="list-style-type: none"> <li>• Establishment of the Prime Minister's Task Force</li> <li>• PM's Task Force is co-opted into the National SME Forum</li> </ul>	Prime Minister and stakeholders
1999	European Development Fund (EDF) study leads to recommendations, including establishing an SME unit within the MEE	EDF
	<ul style="list-style-type: none"> <li>• Formulation of the National SME Forum</li> </ul>	All relevant stakeholders including NGOs, private sector

	<ul style="list-style-type: none"> <li>• Initiation of the Prime Minister's Task Force</li> <li>• Merging of the two bodies into one</li> </ul>	and government
January 2001	Role Clarity Workshop	Committee Members of the NSMEF, EU and government
Late 2001-2002	Consultation process, policy analysis and development	All relevant stakeholders including NGOs, private sector and government
15 April 2001	Establishment of the SME Unit	Stakeholders, mainly government
November 2001	EU programme of support for policy development initiated	EU
20-22 May 2002	Workshop held at Nhlangoane <ul style="list-style-type: none"> <li>• Presentation of organisation and institution profiles</li> <li>• Development of a policy for the SME sector</li> </ul>	<ul style="list-style-type: none"> <li>• SME Unit</li> <li>• All relevant stakeholders including NGOs, private sector and government</li> <li>• Facilitator: Managing Director of Lwazi Management Services: Mr Martin Forsyth Thompson</li> </ul>
June 2002	<ul style="list-style-type: none"> <li>• Sufficient agreement on need to clarify relationship between government and SME sector</li> <li>• Study commissioned to identify the role of Ministries, and parastatals with small businesses</li> <li>• 47 meetings held</li> </ul>	Government and parastatal representatives
August 2002	First draft policy statement	Government and stakeholders
December 2002	Consultation process to secure support	Government and stakeholders
2003/2004	Inputs from different sectors incorporated into final draft document	All relevant stakeholders

February 2004	Final draft consolidated	SME Unit Director and technical staff
January 2005	Final draft document presented to Cabinet	SME Unit Director and technical staff

#### **4.4.2 Participation of NGOs**

In Swaziland, NGOs are housed under the Ministry of Home Affairs. There is no special enabling instrument for NGO participation in the policy-making process or in any other national activities. However, CANGO has coordinated efforts towards the drafting of an NGO Policy that would make provision for precisely such an instrument. The first of such efforts was made in 1988, and the second in 2002. The National Policy on NGOs remains in draft form, awaiting approval by Cabinet.

The various NGOs gave their own accounts and experiences of this process, which is discussed in the next section.

### **4.5 Case Study**

As mentioned in Chapter 1, the nature of NGO participation in policy-making processes in Swaziland is best illustrated through a case study. The following is a descriptive theoretical case study, based on the theory that civil society (including NGOs) is separate from the state and that citizens perceive civil society as an agent of change and expect it to drive certain processes, such as democratisation and policy formulation. The case study identifies the different stakeholders who participated in the SME policy-making process and shows the discrepancies and contradictions that mark a policy-making process.

#### **4.5.1 Methodology**

The case study was carried out by means of a literature review and interviews with the NGOs that participated in the SME Policy-making process.

Interviews were also conducted with organisations that could have participated in the process but did not. A questionnaire was used to conduct structured face-to-face interviews with respondents. Other NGOs who are known for their generally active participation in national processes were interviewed too. Lastly, discussions and interviews were held with other individuals who have useful knowledge about the topic of public policy and SMEs in Swaziland.

#### **4.5.2 Confidentiality and Ethics**

Throughout the case study, there are direct quotes from those interviewed. However, the interviewees were assured of confidentiality, and their identities will therefore not be revealed. It is acknowledged that it would have been instructive and that additional valuable information might have been added by identifying them. However, because of the small size of the country, and the communal and congenial nature of personal and professional relations in Swaziland, they would have been easily identifiable. This would have jeopardised their current and future working relations with other NGOs, donors and government. The protection of such sources is also in keeping with the university's stand on confidentiality.

#### **4.5.3 Selection of NGOs Interviewed**

Originally, four NGOs participated in the SME Policy formulation process, namely the Women's Resource Centre, the Imbita Swaziland Women's Trust Fund and LULOTE. However, sources told of how other NGOs participated in the process, although they were not reflected in the document. Organisations such as the SECLOF, World Vision International and WUS are said to have participated. The fact that they are not specifically named in the documents might indicate the sporadic nature of their participation, which is an issue that will be addressed further in the discussion.

The researcher also explored other NGOs whose activities of income generation, savings, credit and loan schemes meant that they would have

been qualified to participate in this process, even though they did not do so. These are ACAT, CARITAS, LDS, Baphalali Red Cross Society, and FLAS. Other NGOs such as CSC, WLRSA, LeaRN and WLSA were interviewed because of the active role they have played in other national processes. Interviews were conducted between 24 January-4 February 2005 in Manzini and Mbabane

#### **4.5.4 Profile of Interviewed NGOs**

From the interviews it emerged that these organisations interviewed had changed substantially from when they were originally established. Many had changed in size and structure and, even more importantly, with regard to their vision, mission, objectives and activities. These changes can be attributed to a variety of factors. Firstly, NGOs including CANGO have been affected by high staff turnover (CANGO has had three Directors within the last five years) due to several reasons, mainly funding and job insecurity. Secondly, so-called 'donor fatigue' and changing requirements of donor agencies have also led NGOs to change in response (Michael, 2004).

Some organisations interviewed (specifically WRC and WUS) are on the brink of collapse. In addition to this, standards have dropped to such an extent that it is not possible to readily access the necessary information from the organisation, even at the basic level of issuing a pamphlet or brochure giving the profile of the organisation.

The organisations that participated in the SME policy formulation process are all indigenous Swazi organisations mostly established by local women and entrepreneurs in the late 1980s and early 1990s. They are, however, all internationally funded with no government subventions and limited local support from the business community. Although they receive no government subvention, they do maintain good relations with the relevant ministries.<sup>103</sup>

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<sup>103</sup> Ministry of Home Affairs Gender Unit, Ministry of Enterprise and Employment, Ministry of Tourism and Information, and Ministry of Agriculture and Cooperatives.

Most are affiliated to regional and international organisations and to some of the local NGO Consortia.

The organisations being studied herein had been established to assist in developing small aspiring entrepreneurs by equipping them with business management skills and granting them easy access to credit and savings schemes.

Looking at the broader spectrum of NGOs interviewed, they varied in terms of levels of participation, representation, contribution and experience in participating in policy-making processes or involvement in national decision-making processes. FLAS is one of the older organisations, having been established in 1979 and which has immense experience of participating in policy processes in Swaziland, such as in the formulation of the NDS, the Health Policy, the HIV/AIDS Policy and the Population Policy. Furthermore, FLAS was represented at a high level of the Population Policy process, with the then Director serving as a member of the National Council on Population and Development.

FLAS participated indirectly in these policies because of their skill and expertise in conducting research. Kobla Quashie, a firm of chartered accountants, for instance, was contracted to conduct research on small businesses in Swaziland; they in turn approached FLAS to provide the actual research services through their Research Unit.

WLSA is a regional research organisation that did not participate fully in the SME Policy-making process but nonetheless had the opportunity to present a paper on the legal status and position of women, particularly in business. Their presentation was of great policy significance, as it highlighted the hindrances and obstacles faced by women in business.

## 4.5.5 Summary of Findings

### 4.5.5.1 General NGO Participation in national processes

In discussing with the NGOs the issue of NGO participation in policy-making processes and other national decision-making processes, most of the interviewees noted their limited participation therein. With regard to the reasons advanced by them, few had to do with the prevailing political situation at national level meaning there was no tangible proof of state surveillance. Two respondents, however, mentioned that some of these processes were closed to participation, attributing them to the prevailing political circumstances. Apart from that, none of the interviewees made a direct connection between participation and democracy. This might be because of the apolitical stance they have already assumed, which gives them no good reason to make such a link. Conversely, it could be that their participation or non-participation is truly unconnected to national politics.

Most of them did point out their own weaknesses, saying that NGOs ought to take it upon themselves to ensure that they participate. “NGOs need to aggressively market themselves to be recognised so that they are both seen and heard.” one respondent explained.<sup>104</sup> Another respondent said that NGOs needed to create a space for themselves, where they could participate. Initially, she had remarked that some policy-making processes were open whereas others were closed to them. In terms of the latter, she mentioned the recent constitution-making process and the inability to make group submissions. She said, “NGOs should have lobbied enough to find themselves space to participate in the process and to make submissions on behalf of their constituencies.”<sup>105</sup>

<sup>104</sup> Interview with a Programme Officer of an NGO on 31 January 2005 in Manzini.

<sup>105</sup> Interview with the Coordinator of a women’s organisation on 1 February 2005 in Mbabane.

#### 4.5.5.2 Securing Information

A different source said that the globalisation of information and technology has made access easier, and that NGOs in fact have fewer excuses not to participate in policy processes.<sup>106</sup> The media has furthermore assumed an important role in enabling policy makers and others to inform and invite stakeholders through both electronic and print media (which is mainly accessible to NGOs), except that they may be oblivious to the communication because of their other organisational commitments. She cited invitations to Commissions of Enquiry, Environment Impact Assessments, Roads and Dams (Maguga) Construction and the National Constitution Making Process. The respondent noted though that other problems that could affect participation in these fora is the time factor (meetings are often scheduled for the evenings). The main point made by the respondent was that NGOs needed to shift their mindset from expecting formal invitations to participate in national processes, which the government is only reluctantly making more open and accessible. These changes are obviously being resisted by those in power, which means that stakeholders cannot afford to wait to be invited.

#### 4.5.5.3 Policy Advocacy

With regard to policy advocacy, it was mentioned that, in order for NGOs to participate effectively in these processes, they need the capacity to articulate issues and bring out the voices of their clients.<sup>107</sup> The source noted that it was the duty of CANGO to assess and provide this type of capacity. Interviewees highlighted the need to acquire advocacy and lobbying skills, so that NGOs can speak in one voice. The need to strengthen the voices of NGOs in general was also stressed. Currently advocacy assumes an *ad hoc*, event-oriented approach, which can be seen in the celebration and commemoration of certain events.<sup>108</sup> In an interview with the CANGO

<sup>106</sup> Interview with the Coordinator of a women's organisation on 1 February 2005 in Mbabane.

<sup>107</sup> Interview with the Director of an agricultural organisation on 3 February 2005 in Mbabane.

<sup>108</sup> Interview with the Director of a women's organisation on 3 February 2005 in Mbabane.



Director, he acknowledged that some NGOs lacked the capacity to engage policy.

A UNISWA lecturer in Public Administration<sup>109</sup> noted that government has embraced principles of participation but that this needs to be improved. He expressed a similar view on NGOs in terms of Policy Advocacy, saying that NGOs needed to sharpen their skills to persuade. He added that policy advocacy needed to be institutionalised, as this is presently not the case.

#### **4.5.5.4 The Coordinating Role of CANGO**

As previously mentioned, CANGO has the paramount task of influencing public policy by representing NGOs in policy formulation and review fora. It also has the duty to coordinate NGO activities. CANGO participates in its capacity as the Secretariat, representing interests of NGOs in the policy-making process. The organisation has thus far participated in the NDS, the Gender Policy, the HIV/AIDS Policy, the Environment Policy, the Poverty Reduction Strategy and Action Plan and the Decentralisation Policy.<sup>110</sup>

At the same time, CANGO is tasked with the responsibility of inviting NGOs to participate in policy-making processes. Some organisations have acknowledged the role CANGO has played in this regard, whereas others were critical of it, noting the delays in invitations. It was stated that invitations or correspondence from CANGO was usually late, thus making it difficult for NGOs to re-arrange their schedules, given the planned timeframes for programmes, as presented to the donor. A source<sup>111</sup> pointed out that disjointed coordination was a feature of most coordinating bodies, especially in the SADC region (see also Michael, 2004). Another source, in contrast, commended the work done by CANGO and put the blame on government.

<sup>109</sup> Interview held on 25 January 2005 at UNISWA.

<sup>110</sup> Director of CANGO.

<sup>111</sup> Interview with the Coordinator of a women's organisation on 1 February 2005 in Mbabane.

The belief was that government would casually delay informing CANGO, thus making it difficult for CANGO to invite NGOs in time.<sup>112</sup>

CANGO's view in this regard was that the government needed to involve NGOs early on in the process and to make information available for them to contribute effectively. Delays are likely to result in inconsistency in representation or in no representation at all, as staff members and other organisational resources, such as transport, are often already committed to other activities. Another point related to such delays is that of the duration of proceedings. CANGO or government should state the duration of proceedings so that NGOs can plan and prepare their schedules accordingly. The lengthier the time taken, the more sporadic the representations from NGOs tend to become, as their resources become scarce.

This point is related to government's tendency to drag out issues until the trail goes cold, so to speak. The issue of lack of finalisation or adoption of policies and implementation was mentioned earlier herein. Most NGOs had even forgotten some of the policy processes they had previously participated in, such as the NGO Policy, which has been pending for the past sixteen years.<sup>113</sup> This ultimately creates a lack of confidence in government, as was remarked by one source.

Some respondents noted how some processes were initially open, but gradually became closed, leaving out NGOs in the process. This raises questions of credibility and ownership of these processes.

#### **4.5.5.5 Donor Funding**

Donor funding remains a challenge, as it results in NGOs spending a significant part of their time fundraising. Funds are important, because they provide job security; sustain the organisation and ensure the implementation of programme activities that attract the donor's interest. However, donor

<sup>112</sup> Interview with Director of an agricultural organisation on 3 February 2005 in Mbabane.

<sup>113</sup> Telephone interview with former Director of a faith based organisation on 2 February 2005.

fatigue has reached unprecedented proportions. It was the view of one Director that CANGO needs to clarify to potential donors, the funding problems affecting all NGOs during future fundraising efforts with donors. He observed that the silence of NGOs on issues of concern makes it seem as though NGOs were being subsidised by government and thus vocally paralysed, yet that is not the case.<sup>114</sup>

Thus, it can be safely concluded that NGOs participate in national processes but that their participation is not that effective. A respondent decried this situation, noting that NGOs seem to have lost their strength and zest. He pointed out that this could be because of the high staff turnover in these organisations, that the new employees are new in the field and that their capacity first needs to be built (Mojo and Katerere, 1992: 2, quoted in Michael, 2004). He further noted that NGOs seem to be ineffective because, even if they do participate, it is mainly in terms of physical representation without constructive input. In the end, though, participation occurs at different levels, where some participants are knowledgeable and able to follow proceedings, while others are not.

#### **4.5.5.6 Maintaining Interest in Policy Issues**

Another view was that NGOs, CBOs and communities are only enthusiastic about short-term returns as opposed to long-term gains.<sup>115</sup> For instance, they understand and are willing to participate in policies and matters that tackle the poverty situation such as land, water, employment, food and medication, as opposed to those pertaining to gender issues, human rights and the constitution. In other words, they seem to need something tangible. It is thus advisable for NGOs as representatives of the people to simplify issues and concepts, to ensure that everyone can understand these holistically, and not to view them as separate from their daily lives. Policies should directly address their concerns and needs.

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<sup>114</sup> Interview with the Director of an agricultural organisation on 3 February 2005 in Mbabane.

<sup>115</sup> Director of a women's organisation held on 3 February 2005 in Mbabane.

## 4.6 Participation in the SME Policy

### 4.6.1 Organisational Representation

As previously mentioned, some NGOs did participate at different stages of the process. In some instances, the person who specifically participated in some of the processes had left the organisation, and no proper handover or reporting for record and continuity purposes was ever made. Respondents continually referred to the participation of the WRC in a particular process, but the organisation's office had no trace of such participation. At the time of the policy formulation process, the organisation was experiencing problems, especially funding. The person who supposedly participated had moved on to the EU Micro-Projects.<sup>116</sup>

WUS related a similar experience, where the officer in charge had left the organisation to start her own credit and savings scheme, leaving no information behind her about the NGO's participation in the SME Policy.<sup>117</sup>

LULOTE presented a different scenario because, although the person had held two subsequent jobs after leaving the organisation, the Director had been closely involved in the process, from its beginnings where the proposal to establish an SME Unit was first made and throughout the policy-making process. The organisation also had the advantage that the Director was a newly appointed Senator.

Those who participated directly in the process held the view that NGOs did at least have the opportunity to present their organisation's programmes in a session where all other participants were doing presentations about their respective institutions.<sup>118</sup> It was thus pointed out that the proceedings during the draft stage had been open. The source further said that participants had been vocal and had raised pertinent and practical issues.

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<sup>116</sup> Information gathered from staff members of a women's economic empowerment organisation in Manzini on 31 January 2005.

<sup>117</sup> Information sourced from Financial Officer at a community resource organisation in Manzini on 31 January in Manzini.

<sup>118</sup> Interview with the Coordinator of a women's finance organisation on 24 January 2005 in Manzini.

Her view was that representation from business (such as the Swaziland Investment Promotion Authority, the Sibakho Chamber of Commerce and Industry and the Swazi Business Council) had such a high profile that she felt lost and out of place. Small or micro businesses were not well represented and there had generally been a feeling that the people at grassroots level were being neglected. The SMEs that were represented were those assisted by public enterprises.

The SME Unit could have considered different options of participation for the different stakeholders, such as having macro businesses deliberating separately from micro organisation, and then combining their contributions. Dividing stakeholders into sectors, as was done in the Population Policy process, might have been helpful in the circumstances. Conversely, though, the joint deliberations of macro and micro organisations would have enabled them to understand each other's differing areas of concern. They would also have learnt from each other, particularly micro businesses who aspire to become macro businesses.

#### **4.6.2 Representing Community Needs**

Although the representation of community issues and needs was not the focus of this study, two Directors referred to this issue during the discussions. The first point related to capacity. The point was that there is a need for NGOs to be well equipped with skills that enable them genuinely to represent the needs of their clients.<sup>119</sup> The other point related to feedback and lines of communication that ought to exist between NGOs and their constituencies. This pertains specifically to simplifying and reporting back to communities on policies and policy issues. The final point they made was that it is important for government to ensure that NGOs are involved throughout the policy-making process, so that NGOs can report back fully to their respective constituencies.

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<sup>119</sup> Interview with the Director of a reproductive health organisation on 27 January 2005 in Manzini and another interview with the Director of an agricultural organisation on 3 February 2005 in Mbabane.

## 4.7 SME Issues

Further sentiments expressed were that the margin that determines small and medium businesses was rather high for what would be considered as a small business.<sup>120</sup> The respondent further pointed out that there were no proper linkages or understanding between small and big businesses. This point was repeatedly raised, even by people who were not directly involved in SMEs, such as a lecturer in Business Administration from UNISWA<sup>121</sup> and the CEO of SEDCO.<sup>122</sup> They said that the margin set for small businesses was not indicative of the size of the businesses that participating NGOs represented. As a result, the policy might not be suitable for small or micro businesses.

In this connection, one Director said that the SME policy did not encourage small businesses to grow, but rather to remain small. Another observation was that participation of NGOs was limited, especially with regard to the representation of micro finance organisations. The respondent further noted that the policy was mainly aimed at SMEs, focusing on counselling and Business Development Services (BDS).

Another Director highlighted the problem of reserving insignificant businesses for Swazis and lucrative ones (for instance textiles) for foreigners. She noted that the policy should regulate the amounts that foreigners could invest so that they did not present unfair competition for local businesses, such as fast food outlets and supermarkets currently operated by foreigners.

### 4.7.1 The SME Unit

A source noted the tendency of government to hijack processes initiated by NGOs and, in most instances, spoiling them. The view was that the government had not been interested in the SME issue, until the SME Forum had finally made its point heard and secured funding from the EU to establish an SME Unit. At that point, the government became interested and ultimately

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<sup>120</sup> Interview with the Coordinator of a women's finance organisation on 24 January 2005 in Manzini.

<sup>121</sup> Interview held on 24 January 2005 at UNISWA

<sup>122</sup> Interview held on 26 January 2005 in Mbabane

took over the process.<sup>123</sup> The initiators had not wanted the SME Unit to be completely a government body, although it has since become one. As a result, the original goals of the SME Unit have been lost.

The source said further that the SME Unit was initially meant to be a semi-government body with the forum having full control over it through Directors who would have been drawn from the Committee members. A Director would be employed to run the SME Unit. It was never quite clear whether the Director of the SME Unit was to be a civil servant or not. When the current Director was interviewed, this was done by the Committee members as opposed to by the Civil Service Board (which normally interviews and hires civil servants); it was expected that he would not be in fact a civil servant.

Government's support was solicited in terms of providing necessary resources, such as paying a salary to the proposed Director of the SME Unit. This was intended to be a temporary arrangement, while the Forum tried to establish itself and generate income through consultancy fees charged for training and other services rendered. The present situation, however, is that the SME Director is fully employed as a civil servant housed at the MEE.

A different source<sup>124</sup> said that it might be inappropriate to say the government had hijacked the SME Unit and Policy process. Firstly, the funding that had been secured for the establishment of the SME Unit had come through UNIDO, who had channelled the funding through the government, and so government already had a stake in the matter. Nonetheless, it might be supposed that the government has the tendency to want to take over processes because funding of these has been channelled through government.

The second source acknowledged the fact that the National Small and Medium Enterprises Forum (NSMEF) had wanted the SME Unit to fall under

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<sup>123</sup> Interview with a member of a women's business organisation on 4 February 2005 in Mbabane.

<sup>124</sup> Telephone interview with founding member of the SME Policy process and SME Unit on 10 March 2005.

its control, and governed by the Committee members (as a board of Directors), but explained that this was not logistically possible in terms of funding and other necessary resources. It was noted that if the structure had been outside government, neutrality in issues such as licensing and deregulation would be maintained.

It was also observed that most government ministries have SME components and that these needed to be coordinated to overcome the current fragmentation.

#### **4.8 Gender Issues**

A respondent representing a women's cooperative said that she sensed resistance on the part of government towards gender issues and women's organisations.<sup>125</sup> Following her presentation, one of the key officials from the SME Unit told the gathering that they did not want to be seen as being discriminatory by focusing on special groups such as women; he was clearly missing the point.

The SME policy shows that women own 70% of small businesses; it thus follows that the interests of women should be more prominent in the document.

#### **4.9 Additional Issues**

A source<sup>126</sup> confirmed that, in Swaziland, government initiates policies. The sentiment was that the government needs to pay more attention to understanding the needs of the people, and thus to recognise the relevance and significance of policy initiatives. He observed that the Swazi government would not make an effort to discover these needs and concerns, but would rather formulate policies at central level without much consultation. It was thus proposed that government should view NGOs as partners who could

<sup>125</sup> Interview with the Coordinator of a women's finance organisation on 24 January 2005 in Manzini.

<sup>126</sup> Interview with Chief Executive Officer of a parastatal 26 January 2005 in Mbabane.



close the gap between government and the citizens, in situations where it is unable to implement programmes.

He proposed that, as a result, “affected stakeholders should take the initiative to form a force to initiate a policy. Otherwise their lack of direction and unity makes government indifferent to these needs as it finds no priority in them.”

The SME Policy seems to be one of those policies that has attracted attention and has moved faster than most towards implementation. A Director noted that the pace assumed by a policy during the formulation and development process depends on who initiates it.<sup>127</sup> She cited the example of the Draft NGO Policy that was drafted because NGOs were pressing for a formal document to address important issues, such as operations, collaborative partnerships with government and subventions. Similarly, the driving force behind the SME Policy has set its pace of development. The fact that the SME Forum initiated it, gives it strength. By the time the PM at the time introduced the NDS and the Task Force, he had to acknowledge that the SME Forum initiative was already in place, hence the need for consolidation of the two.

As Caritas rarely participates in policy-making processes in Swaziland, it also did not participate in the SME policy. The Refugee Programme officer mentioned that participation in and invitation to policy processes depends on who you are. Emphasising the point on advocacy, he said that NGOs needed to market themselves aggressively to ensure representation.

The officer stated that participation in the SME Policy would have benefited the organisation, and especially Refugee Entrepreneurs. This would have complemented an initiative that had once existed, viz. a Refugee Entrepreneur Forum, whose major objective was to integrate refugees into the mainstream economy. One of the challenges listed by Refugee Entrepreneurs was the issue of licensing, which becomes cumbersome because of their status. Ownership of business property was another issue

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<sup>127</sup> Interview with the Director of a business management organisation on 2 February 2005 in Manzini.

for them. Generally, the temporary nature of their (immigration) status meant that it was doubtful whether they would be allowed to continue working in the country and to expand their businesses further. Repayment of loans becomes another issue that causes them concern, as does the servicing of debts.

#### **4.10 Conclusion**

Group theories try to identify and explain the relationships between the state and different groups in society. The case study has shown that in Swaziland various groups have influence on the state. Pressure groups representing the interests of citizens play a vital role in the policy-making process. On the one hand, the case study has identified that the Pluralist model sheds some light on policy making in Swaziland, as different interest groups, including NGOs, are engaged in these processes. On the other hand, there are also pervasive elements of Elitism, in the sense that decisions are mainly taken by a small minority.

As shown, the SME Policy formulation process was participatory in that an attempt was made to involve many stakeholders, including NGOs. However there were issues of inconsistency in representation. Participation occurred at different levels and to varying degrees, thus intimidating some of the smaller organisations that participated. Some of the NGOs interviewed during this research acknowledged their lack of capacity and the needed for strengthening it. They needed to create a space for themselves to participate in national policy-making processes.

An important finding of the study was that, even though the SME Policy appeared participatory at first sight, there are underlying currents surrounding the status of the SME Unit. It remains unclear who initiated the SME Policy-making process. Original members of the SME Forum claim that they initiated the process, and that this is why it attracted so much attention. In the end, though, the SME Unit was taken over by the government. Others hold an opposite view, claiming that it would not have been possible for the NSMEF to

house the SME Unit at the time. Some of the respondents claimed that the process of drafting this policy had been smooth, and that there had been no conflicts, as issues were clarified and resolved amicably. These responses are not convincing, though, as participants in this process left with some level of dissatisfaction over items that had seemed insignificant at the time.

## CHAPTER 5: CONCLUSION

### 5.1 Conclusion

The purpose of this study was to assess the extent and nature of participation of Swazi NGOs in the policy-making process of government. By extension, the study examined the role of democracy and participation in the country's policy-making process. The most important finding is that the policy-making process in Swaziland is affected by the same duality that pervades Swazi life in general. Neocosmos (2002) submits that the king has found it increasingly difficult to claim a position 'above politics' where he can be a genuine representative of the nation. His political partiality is apparent to all as shown by his refusal to repeal the 1973 decree (Neocosmos, 2002: 35).

The complexity of Swaziland's political and social turmoil is made more difficult to understand because of causal relationships that make minimal sense to the modern and industrialised world. The symbols of kingship, for example, are more than mere tokens: to the key participants in the drafting of public policies, they are real, and of frightening power and efficacy.<sup>128</sup>

This situation will obviously exacerbate the problems of finding a way for Swaziland's political and social order to undergo an orderly transformation into a modern state, as this would involve an assault on the entire mystery of Swazi kingship and its religious and magical significance in the social fabric of rural Swazi society.<sup>129</sup> Numerous cabinet reshuffles have been seized upon as signs, either of impending change or of a hardening of the political arteries. More often than not, however, they were means of procrastination.<sup>130</sup>

The absence of a constitution also poses a problem. Even after the Draft Constitution is adopted (which is yet to happen), significant work will have to be done on it to ensure efficient policy making at all levels.

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<sup>128</sup> Institute for Security Studies, Swaziland-History and Politics

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

This study has found, though, that the relationship between civil society and the state has changed. Scholars have different views as to where exactly the boundary between them lies, and which elements belong to the state and which belong to civil society. What matters, is that civil society is treated as being separate from the state.

Although NGOs in Swaziland do not operate under a specific instrument or piece of legislation, they do so relatively freely. However, government has made it clear that NGOs have to be 'apolitical' in nature, which explains the common tendency of NGOs to tread cautiously when addressing critical issues of national concern, such as land, human rights and democracy.

Despite the sometimes-difficult relationship between NGOs and government, NGOs in Swaziland are largely credible and nurture a reasonable working relationship with government, often co-hosting and co-funding activities. Ordinarily, this would make it difficult for them to hold government accountable for its actions. Although NGOs are not subsidised by government, or as strong as they are in neighbouring states, such as South Africa, they have contributed to development and democratisation processes. They have potential to improve the lives of ordinary people in Swaziland, especially through participating in policy-making processes.

The study also showed that Swaziland has drafted and prepared many policies that have not yet been adopted. This shows the outstanding amount of work to be done around policy development and implementation. The three arms of government (viz. the Judiciary, the Legislative and the Executive) need to be involved in their respective capacities and ensure that oversight functions are carried out.

The majority of Swazi people have been excluded from the country's policy development, both of local and foreign policy. Moreover, no sooner has a policy been formulated, than it is often either changed or discarded. The NDS, for instance, initiated by the then Prime Minister, was intended to be a long-term strategy, but it has been sidetracked, working only on paper and not

in practice. Soon afterward the appointment of the present Prime Minister, SPEED (Smart Programme on Economic Empowerment and Development) was established, with little explanation and connection to the NDS. Consequently, it has become difficult to update citizens on national developments because it is difficult to find a starting point.

The case study showed that even where the policy-making processes may seem smooth, they are not. With the SME policy, the various participants held differing and conflicting views on certain issues but these were ignored and disregarded. It was further found that government lacks effective methods for involving stakeholders in policy making. CANGO, too, has to improve its coordinating role if it is to ensure a more effective participation of NGOs. NGOs, for their part, need to take the initiative and create a space for themselves to participate and present their views. They also need to represent the interests of their constituencies more effectively. A lack of capacity in terms of human and financial resources was cited as a specific challenge faced by NGOs. It also transpired that NGOs need extensive training in advocacy and advocacy skills, and that communication and planning within and between government and the NGO sector needs to be streamlined.

The study indicates the importance of a constitution and of the implementation of democratic principles, which will in turn encourage the culture of participation. There are in addition a number of political implications for governance and policy. The repeal of the 1973 Decree is recommended in this regard, as it hinders constructive participation, a point reinforced by some of the respondents.

Resolving the tensions inherent in a dual legal system is also important and capacity building within government and government institutions is necessary. This should be extended to NGOs and CBOs, as these are organisations that strive to represent the views of rural communities. An enabling instrument might be provided for NGOs to contribute towards the formulation, implementation, monitoring and evaluation of public policies.

Parliamentarian's role should be clearly described and their responsibility to oversee the Executive set out clearly.

The PPCU might be strengthened in personnel obtaining technical terms. Effective communication and cooperation between the institutions responsible for policymaking in Swaziland - such as the PPCU, the AG and Parliament – might improve the quality of policymaking.

It would also be desirable to speed up the decentralisation process. A Fiscal Decentralisation Policy could complement the Decentralisation Policy, and the establishment of Policy Units within government ministries and NGOs would be helpful in this regard. Decentralisation would mean that structures and processes involved in policy-making are now accessible to communities therefore creating the platform for NGOs to empower communities to influence these processes. Capacity building for NGOs including CANGO is essential. Areas of focus for such capacity building for NGOs include advocacy, lobbying, fundraising and policy analysis. Improving the lines of communication and strengthening partnerships between government and NGOs and between other NGOs is vital.

Those who have studied Swaziland agree that it is desirable for the country to retain its culture and tradition. However if the monarchy is to be maintained, its powers need to be regulated within a democratic and constitutional context. Swaziland has the potential to become a healthy democracy in which NGOs can operate vibrantly, contributing positively to policy development, good governance and the welfare of the people.

## **Annexure I**

### **RESEARCH QUESTIONNAIRE**

**This questionnaire has been designed to assess the extent to which Non-Governmental Organisations (NGOs) participate in the Policy-Making Process in Swaziland**

Section 1 is general information on the organisation. Please take the time to read the questions carefully and answer as fully as possible.

#### **Section 1**

1. Name of the organisation:
2. Physical Address:
3. Contact Details (postal address, telephone, fax and email):
4. Type of Organisation (national, international, indigenous, local organisation):
5. When was it established?
6. Why was it established?
7. By whom was it founded?
8. What is the vision or mission statement of the organisation?
9. What are the organisation's objectives?
10. What are the activities of the organisation?



11. How is the organisation funded? (domestic, local, government, international)
12. How is the organisation structured in terms of hierarchy?
13. How is the organisation structured in terms of operation (departments, desks)?
14. What are the achievements of the organisation?
15. What are the challenges of the organisation?
16. What network/ alliances/ partnerships does the organisation have?
17. What relationship does the organisation have with government?

## Section 2

**Section 2 focuses mainly on the participation of NGOs in the policymaking processes. Please take the time to read the questions carefully and answer as fully as possible. Please be assured that all ethical standards and principles of confidentiality shall be adhered to. You will not be identifiable through your responses.**

1. Can you please tell me what the organisation has done to try to influence a local decision? (Government or Parliament)
2. How does the organisation view the impending national socio-political and economic issues and processes?
3. To what extent did the organisation participate in the Small and Medium Enterprises (SME) Policy formulation process?
4. In what capacity was the organisation represented?
5. At what stage of the process did the organisation start taking part?

6. If participation was interrupted/ delayed during the process, what were the reasons?
7. How were conflicts and differences of views and perspectives mediated during the development of policy instruments?
8. To what extent do you think NGOs participated in this process? Please explain?
9. What do you think was the effect of the organisation's participation?
10. Generally, do you think that NGOs were well represented in the process? Please explain.
11. Are you satisfied that the contents of the final document are a true reflection of your submissions/ views/ contributions?
12. What do you think of the document in its present state?
13. How do you think the process could have been improved?

Is there anything else you would like to add that I might have omitted that would enrich the assessment of NGO participation in policy-making processes?

Thank you for your time

## Annexure II

### List of Interviewees

1. Acting Director: Women's Resource Centre: Mrs Qubile Simelane
2. Area Development Programme (ADP) Team Leader: World Vision International: Ms Thulile Dube
3. Chief Executive Officer SEDCO: Mr Paul Tsabedze
4. Coordinator of Imbita Swaziland Women's Finance Trust: Ms Sibongile Mthembu
5. Coordinator: LeaRN: Mrs Elizabeth Shongwe
6. Coordinator: WLSA: Ms Lomcebo Dlamini
7. Development Attaché: EU - Mr Jorge Nieto
8. Deputy Director: Lutheran Development Services: Mr Robert Shabangu
9. Director of ACAT: Mr Enoch Dlamini
10. Director of Baphalali Red Cross Society: Ms Sibongile Mazibuko
11. Director of CANGO: Mr Emmanuel Ndlangamandla
12. Director of FLAS: Mr Musa Mgogo
13. Director of LULOTE: Ms Nokukhanya Gamedze
14. Director of SMEs: Mr Bertram Stewart
15. Director of the PPCU: Mr Vincent Matsebula
16. Economist in the DPM's Office: Mr Dumsani Sithole
17. Former Director of LDS: Ms Pamela Meggitt
18. Head of Department: Justice Peace and Reconciliation: Council of Churches: Mr Muzi Masuku
19. Independent Consultant: Ms Thembayena Dlamini
20. President: Business Women's Association of Swaziland: Ms Dumsile Sigwane
21. Press and Public Affairs Officer at The British High Commission: Mr Michael Motsa
22. Promotion Officer: Mr Michael Zwane
23. Programme Officer: Caritas Refugee Programme: Mr Reginald Magagula
24. Regional Coordinator: WLRSA: Ms Doo Aphane
25. Senior Parliamentary Counsel - Attorney General's Office: Mr Sabelo Matsebula
26. UNICEF: Policy Advocacy and Institutional Support Project Officer: Ms Veli Riba
27. UNDP Assistant Resident Representative: Ms Thandi Gama
28. UNDP Economist and Government Liaison Officer: Mr Jabulani Dlamini
29. University of Swaziland (UNISWA): Lecturer: Mr Matthew Rajan
30. University of Swaziland (UNISWA): Lecturer: Dr P.Q Magagula
31. University of Swaziland (UNISWA): Lecturer: Ms Nomthetho Simelane
32. University of Swaziland (UNISWA): Lecturer: Ms Nomsa Mndzebele
33. University of Swaziland (UNISWA): Lecturer: Ms Thenjiwe Shimbira
34. University of Swaziland (UNISWA) : Lecturer: Ms Thandi Khumalo
35. University of Swaziland (UNISWA): Lecturer: Mr Patrick Mkhonta

## **Annexure III**

### **List of Stakeholders in the SME Policy**

1. Association of Swaziland Business Cooperatives (ASBC)
2. BWAS Business Women's Association of Swaziland:
3. CANGO Coordinating Assembly of NGOs
4. Central Bank of Swaziland
5. Enterprise Trust Fund
6. European Union
7. EU Micro Projects
8. First National Bank
9. Gwamile VOCTIM (Vocational College of Training and Industrial Management)
10. Imbita Swaziland Women's Finance Trust
11. Inhlanyelo Fund
12. Institute of Development Management (IDM)
13. LULOTE Luhlelo Lolunotsisa Temabhezini
14. Ministry of Agriculture and Cooperatives
15. Ministry of Economic Planning and Development
16. Ministry of Enterprise and Employment
17. Ministry of Education
18. Ministry of Finance
19. Ministry of Foreign Affairs (Trade and Promotion Unit (TPU))
20. Ministry of Health
21. Ministry of Home Affairs
22. Ministry of Natural Resources
23. Sibakho Chamber of Commerce
24. Small and Medium Enterprise (SME) Unit
25. Standard Bank of Swaziland
26. Swaziland Association of Savings and Credit (SASSCO)
27. Swaziland Business Growth Trust (SBGT)
28. Swaziland College of Technology (SCOT)
29. Swaziland Commercial Amadoda
30. Swaziland Industrial Development Cooperation (SIDC)
31. Swaziland Institute for Management and Public Administration (SIMPA)
32. Swaziland Investment Promotion Authority (SIPA)
33. Swazi National Business Council
34. Swaziland Trucker's Association
35. The Enterprise Fund
36. Tibiyo TakaNgwane
37. University of Swaziland (UNISWA)
38. Women's Resource Centre (WRC): Umtapo WaboMake

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